

DISCRIMINATION IN EMPLOYMENT (OVERSIGHT)

HEARINGS BEFORE THE GENERAL SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES NINETY-SECOND CONGRESS SECOND SESSION ON OVERSIGHT HEARINGS ON UNEMPLOYMENT AND DISCRIMINATION IN EMPLOYMENT

HEARINGS HELD IN
CHICAGO, ILL., OCTOBER 20, 21 ; CLEVELAND, OHIO, OCTOBER 23, 1972

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DISCRIMINATION IN EMPLOYMENT (OVERSIGHT)

MONDAY, OCTOBER 23, 1972

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Cleveland, Ohio.

The General Subcommittee on Labor met at the conference room, Federal Office Building, Cleveland, Ohio, Hon. Augustus F. Hawkins presiding.

Members present: Representatives Hawkins, Chisolm, and Landgrebe.

Also present: Representative Louis Stokes.

Staff members present: Thomas J. Hart, subcommittee counsel, Adrienne Fields, administrative assistant, and Dennis Taylor, minority associate counsel.

Mr. HAWKINS. We are holding this hearing in Cleveland at the request of the Congressman from Cleveland, Mr. Louis Stokes. This is one of a series of hearings being held by the General Subcommittee on Labor on racial and sex discrimination in employment.

The situation briefly is this: That 35 million Americans are living in poverty and perhaps the same number can be classified as near poor. As tragic as these facts are, the situation is even more dismal, in that taxes are rising, prices are rising, the unemployment rate is going up, and racial discrimination pervades our society and may be becoming more widespread. In the face of this situation, the subcommittee is concerned about those laws which are now on the statute books which would help to prevent such adversities. They include the Employment Act of 1946, calling for maximum production and employment; the Civil Rights Act of 1964, Executive Orders 11246 and 11375, and other laws which have never been properly implemented or fully enforced. This subcommittee, therefore, decided to conduct field hearings in order to hear testimony as to why these laws are not being enforced and which Federal agencies, and officials are responsible for this failure.

I shall now introduce the members of the subcommittee present this morning. With Mr. Stokes' indulgence, may I present, first, a very articulate member of the subcommittee, our distinguished Congresswoman from New York. She has been a valuable person on this subcommittee and one who is genuinely concerned about the subject of these hearings. It is certainly an honor for me to present to you at this time, Representative Shirley Chisholm, of New York.

Mrs. CHISHOLM. Thank you very much.

I want to say to all of you how glad I am to be here this morning and yet, in a very real sense, I am not glad because we come under a somewhat difficult and sad mission. The very fact that the statistics in

this country are indicating one thing and then, when you get right down to the grassroots of the problem, as you go from one city to another, you find that the action is not really suited to the word and the action really belies the statistics that are being given to us.

We are particularly interested and concerned about the effectiveness of the affirmative action program under the various Federal—among the various Federal contractors. Because it's quite important that starting from the Federal Government down, that the Federal Government be made to understand that they indeed must lead the way. They indeed must implement in all of their programs the fact that there will be no discrimination in terms of jobs that are going to be given to all kinds of American cities. It is very difficult for the Federal Government to come forth with legislation on one hand and yet, with said legislation on the books, we are finding that the legislation is not being implemented in city after city. So, we are here this morning to take the testimony and hopefully go back and show these various departments that they can use statistics for their own purposes, but that the statistics certainly do not indicate exactly what is happening out here all over America.

So, I am very glad to be here this morning and just very anxious to get started and hear from the people in Cleveland. Thank you.

Mr. HAWKINS. Thank you, Mrs. Chisholm.

Now, it is a distinct pleasure for me to call on the man largely responsible for this hearing. It was at his request that we came to Cleveland. He is certainly one of the most distinguished Members of the House of Representatives. He is chairman of the Congressional Black Caucus, which makes him also my leader and even more admired in his own congressional district, the Honorable Louis Stokes.

Mr. STOKES. Thank you very much, Mr. Chairman and Mrs. Chisholm.

It is a very great pleasure to be able to welcome to Cleveland two of my esteemed colleagues from the Congress, particularly Mrs. Chisholm and Mr. Hawkins, both of whom served on this subcommittee with Mr. Hawkins serving as chairman of the subcommittee of Congress. And I did ask them if they would come in here and include Cleveland as one of the cities in which they would make this inquiry on discrimination in employment. I do so particularly in Cleveland for the reason that I was rather distressed at the latest statistics given by the Labor Departments of the Federal Government.

Those latest statistics show that in the city of Cleveland, of the 20 largest cities in the United States, that Cleveland has the highest unemployment rate in the Nation. In the city at large, the unemployment rate is now twice that of the average city, being approximately 11.3 percent.

In my own congressional district, it is running about 18.3 percent in the center city. This is more than three times the national average. There is not a single day that my office is not besieged by persons who are complaining of unemployment, underemployment and discrimination in employment. It is out of that kind of background I have asked this congressional committee to come into our city and make inquiry and investigation into the specific complaints that come before the subcommittee this morning. To that degree I hope that we will be able, in the Congress, to try to alleviate this kind of condition which

exists in our own city as well as many other central cities around the country.

It is a pleasure for me to welcome both of you here and Mr. Chairman, I yield back the rest of my time.

Mr. HAWKINS. Thank you, Mr. Stokes.

The witnesses are divided into two broad classifications. One group will be dealing with the general overall view of employment discrimination. Other witnesses will be presenting individual cases which will demonstrate some of the broader patterns of discrimination.

I would like to indicate that individual cases heard at this hearing that may require some action will be handled by the staff of the committee. Let me assure those of you who will be presenting individual cases, that there will be followthrough on your cases and that you will be kept informed of developments. For that reason, I will introduce the staff people present. To my right, next to Mr. Stokes is the counsel for the subcommittee, Mr. Thomas Hart. Next to him is special assistant to the subcommittee, Miss Adrienne Fields. To my far left is Mr. Dennis Taylor, Counsel for the Minority. (We expect Congressman Landgrebe, a Republican from Indiana, later this morning.) At the table to my far right is the legislative assistant from my own staff, Ms. Patsy Fleming. These individuals will be detailed to follow through on many of the matters which are taken up this morning.

We will now hear the first witness who is Mr. James Campbell. He will discuss the broad subject of manpower planning.

Mr. Campbell, we welcome you to the committee.

STATEMENT OF JAMES R. CAMPBELL, MEMBER MANPOWER PLANNING AND DEVELOPMENT COMMISSION

Mr. CAMPBELL. Thank you Mr. Chairman, members of the committee. I am here to present testimony as a concerned citizen. My qualifications to speak on this subject are based upon my work and involvement in the community as a member of the Manpower Planning and Development Commission of the Federation for Community Planning, as first vice president of the Urban League of Cleveland, and the past 4 years of work combating racial discrimination as director of equal employment opportunity programs for the Turner Construction Co.

This statement is made in response to the request from the committee to share this experience. I am honored and appreciative of this opportunity.

I shall attempt to briefly sketch an overview of some major facts about Cleveland as related to equal opportunity. Second, I shall highlight the failures and lack of equal employment opportunity in Cleveland's construction industry.

I. SOME MAJOR FACTORS RELATED TO EQUAL OPPORTUNITY

A. POPULATION

According to the report of the U.S. Census (1970), the population report of the U.S. Census (1970), the population of Cleveland

was 750,879, of which 38.3 percent was black. About one out of eight blacks (40,600) live in Cuyahoga County outside Cleveland. Females of all ages outnumbered males by 11 percent in the city and 8.5 percent in the suburbs. Some 29 percent of black families are female-headed. The median age of Clevelanders was 28 and suburbanites 30, both down 2 years from 1960. The median years of school completed by Clevelanders was 10.5 in contrast to 12.5 for suburbanites.

B. EMPLOYMENT

The unemployment rate for black people in Cleveland's inner city is probably the highest in the Nation at approximately 19.2 percent. In the last decade, Cleveland lost 71,000 jobs while employment in the suburbs soared.

C. HOUSING

During 1972, there have already been two major bombings in the suburbs when Black families have attempted to move to a better neighborhood. The news media reported these. In Cleveland, 61 percent of the 563,000 housing units are rated as poor to unsound in contrast to just 6 percent in the suburbs. Two-thirds of the sub-standard and dilapidated housing in Cleveland is within two miles of Public Square although only 21 percent of the total housing is in that area.

D. EMPLOYMENT MIX

Cleveland is second only to New York City in accommodating corporate headquarters. Sixteen of Fortune's 500 largest industrial corporations are located here and another eleven have major plants in the City. The 1970 Census data shows that manufacturing industries employ 33 percent of the workforce; wholesale and retail trade 22 percent; services 17 percent; government 13 percent; transportation and utilities 6 percent; finance, insurance and real estate 5 percent; and construction 4 percent.

E. INCOME

As of March 1971, one-third of the Nation's black population lived below the official Federal poverty income level. In contrast only one-tenth of the white population shared that distinction in the richest country on earth. In Cuyahoga County, approximately 170,000 individuals are receiving public assistance, including 35,000 families in the aid for dependent children program. We also have hunger and malnutrition because of the lack of an adequate income.

F. MANPOWER PROGRAMS

Today there are 61 major organizations providing manpower/employment-related services to individuals in the Cleveland area. The Manpower Planning and Development Commission made an inventory of the federally funded manpower programs for fiscal year 1971. We found the typical client was a young black male (under 30), a school dropout, and a resident of one of Cleveland's six high poverty areas. About one-fourth were veterans. During fiscal year 1971, the total unemployment was 8.4%. For white workers, the unemploy-

ment rate was 4.3%; for nonwhites 14.5%. The estimated number of unemployed inner city workers was 28,900. When we added to that number sub or under employment (56,300), the target population of disadvantaged people in need of employment-related services was roughly 85,000. There was no recession in the inner city; it was a depression that still lingers, when the current level of employment needs is compared with those of the general population during the depression years.

These are but a few summary indicies to acquaint the committee with the general conditions which help breed the sickness of racism in our community. They point out and substantiate local results which Dr. Anthony B. Down's brilliant work "Racism in America and How to Combat It" has discussed on the national level. Dr. Downs has pointed out that frequently racism is a matter of results rather than intentions.

The results of equal employment opportunity laws have caused only minor shifts in employment patterns in Cleveland. Local and Federal agencies responsible for enforcing civil rights laws have failed to carry out the law. Most are inadequately staffed and funded to do what Congress intended for them to do. They reflect benign neglect. They are ill prepared to deal with racial discrimination in employment. It is the results of systemic patterns which keep black workers as a class in a permanent state of economic and social depression even in the time of full employment. Federal agencies are only addressing themselves to individual random acts of bigotry. It is time for action on a broader scale. A debt is owed. There can be no opportunity without equal life chances. There can be no equal life chances without equal life results.

To illustrate the failure of the Federal Government's equal employment opportunity compliance efforts, I would like to share next my 4 years' experience working locally and nationally for the enforcement of Presidential Executive Order 11246, as amended, covering Government contractors in the construction industry.

II. THE U.S. DEPARTMENT OF LABOR'S DUPLICITY IN THE ENFORCEMENT OF PRESIDENTIAL EXECUTIVE ORDER 11246 IN CLEVELAND, OHIO.

In 1968, when I began working for the Turner Construction Co., the Office of Federal Contract Compliance had tremendous power. It's local Director, Mr. Charles E. Doneghy, was dedicated to the principle of racial justice and equality. He developed a plan of action which was later to be used as the basis for the now famous Philadelphia plan. Since the departure of Art Fletcher and John Wilks, I have observed the withering away of influence and effectiveness of OFCC. The office has been downgraded and relegated to a numbers game plan. The office has for all practical purposes been dismantled because the enforcement efforts have been reduced.

I believe the U.S. Department of Labor is guilty of duplicity and subsidized racism in its most ugly and repulsive form in the construction industry. Government contractors in construction are no longer required to meet minimal and uniform standards of performance. Compare the difference of requirements for construction contractors and industrial corporations under Order No. 4. A construction con-

tractor is excused from compliance reviews when there is a hometown plan, if the Cleveland experience is typical. They are permitted to continue their internal employment practices while being held accountable only for the overall number of minority building tradesmen engaged in the total work force. Thus, a Government construction project could have an all white work force and the contractor could still be found in compliance. In contrast, industrial firms are reviewed periodically and all job categories are examined in each plant.

Under a hometown plan, a construction firm will be considered in compliance with the Presidential Executive order so long as the labor union supplying its manpower has some elusive number of minorities in the membership. This is in spite of the legal and binding obligations of an applicant, developer, owner, and contractor.

There have been no Federal contracts suspended or cancelled because a construction firm failed to have or maintain an integrated white-collar work force in Cleveland. There have been very few contracts, if any, cancelled even when there has been only token numbers of black craftsmen in the skilled trades.

Congress should call for an examination of the number of Government contracts let by each Federal agency, look at the number and size of resident compliance personnel staffs, determine the actual number of personal, onsite inspections, review the budget allocation for compliance enforcement of legal obligations, and call for a historical review of each Government contract. The findings will show at best the total compliance effort is a public relations program to keep the community cool. What good are Government regulations if they are not enforced?

Hometown plans are a fraud as the National Association for the Advancement of Colored People has told the Nation. The Cleveland experience cannot justify the worthiness of a hometown approach to compliance. Good faith efforts are absolutely meaningless. It is like telling employees to work safely without taking any safety precautions. The number of minorities working full time in the construction industry today is far short of the first year goal under the hometown plan. Unions and contractors alike blame the local economy entirely for this failure. If every contractor who is covered by the hometown plan had employed just one minority person, the first year goal could have been met and exceeded during the first month after approval by the Office of Federal Contract compliance.

Without vigorous enforcement of civil rights laws and regulations, there will be no major changes in the racial composition of the work force in the construction industry. There is an institutionalized pattern of racial discrimination maintained by defacto closed-shop union hiring halls and other referral systems. Hometown plans do not alter these.

Thank you for allowing me to present my views here today. This concludes my statement, Mr. Chairman. I will be pleased to answer any questions.

Mr. HAWKINS. Thank you very much Mr. Campbell.

We will call first on Mr. Stokes. I am sure this relates rather directly to his own community. Mr. Stokes.

Mr. STOKES. Thank you Mr. Chairman.

Mr. Campbell, let me commend you upon the excellent testimony you have given here this morning in such an in-depth and incisive manner.

I would be interested in knowing if you had some comment with reference to matter of the necessity or non-necessity for quotas to be used with reference to Federal Government hiring.

As you know, recently, pursuant to letters written to the President, the President subsequently issued a memorandum to all Federal agencies that, under no circumstances, with reference to hiring of minorities, are they to indulge in quota hiring and, of course, subsequently, we understand further that the President has indicated his intention of scuttling the Philadelphia plan along with the 55 local plans of which you made reference to this morning.

I would like to know your views on the subject.

Mr. CAMPBELL. Congressman Stokes, without meaningful goals and timetables, quotas or by any other name, there shall be little or no opportunity for minorities in the construction industry. In the past, historically and traditionally, there has been a quota to exclude blacks and other racial minorities from the highly paid building construction trade unions.

Management does not approach sales without a goal. Government cannot approach the problem of racial discrimination and racism in this country without establishing meaningful, objective criteria by which it can assess achievements or failures.

Mr. STOKES. I was interested in your comments with respect to the enforcement division of the Labor Department. Are you familiar with the report that the Labor Department made of its own agency practices with reference to equal opportunity where they found that their own department probably was one of the worst in the Federal Government with reference to its hiring practices? This was a particular report that indicated that a white and a black male enter into the labor department on the same day, in a period of 5 years, there becomes a \$4,000 per annum dispersive between the wages of the white male and that of the black male, even though they entered the same day. Are you familiar with that report?

Mr. CAMPBELL. No, I have not seen that particular report.

Mr. STOKES. Mr. Chairman, I yield.

Mr. HAWKINS. Thank you Mr. Stokes, Mrs. Chisholm?

Mrs. CHISHOLM. There are about three basic questions I would like to get your thinking on.

In view of the fact you have said that there is a large number of AFDC families in the Cleveland area, in terms of the manpower training programs, what programs, if any, are being utilized in terms of helping these women?

Mr. CAMPBELL. I'm sorry, I do not know the answer to that question.

Mrs. CHISHOLM. Because it would seem to me, if we are going to do something about the indices of poverty in the Cleveland area, we have to do it with the cold, raw, naked statistics that there are a large number of families headed by women. It would seem to me that it would be very important that we have a meaningful manpower training program for these women and at the same time the development of child care centers to go along with these programs, so the women will have places where the children will receive care, you know, psychologically and intellectually. I think that is very important in terms

of any manpower training program. In terms of combating unemployment, you would have to move in and establish meaningful manpower training programs also for a large number of women.

Second, what has been happening as blacks have moved out or if they have really moved out to suburban areas of Cleveland, to get jobs? Is there any kind of movement, or is it due to housing patterns or what is happening?

Mr. CAMPBELL. The movement of black families from the inner city to the suburbs has been very, very small and they have encountered, strong racial discrimination. As I have mentioned, there have been two bombings in 1972. These were black families which attempted to move into reasonably integrated neighborhoods. The mobility of black families to the suburbs has been very small in the past decade in Cleveland.

Mrs. CHISHOLM. My last question: Would it be fair at all, to say at this moment, there has to be an indictment of certain labor unions in this country, although we recognize that the labor union movement has been very important in terms of the development of the security and the progress for the average workingman. But, at this point many of the labor unions in this country have to be indicted in terms of the fact they are not living up to the letter of the law.

Would you go so far as to say that?

Mr. CAMPBELL. I would strongly agree and I would also make the distinction that unions such as the UAW have done a very outstanding job in the area, of providing opportunities for minorities. But, to look at the labor picture generally, throughout the United States you will find recalcitrant unions confined primarily to the building construction trades. When you break these 18 trades down, you will find that among those that the highly skilled and highly paid—as examples, mechanical trades, electrical and so forth—those unions have the highest incident of racial discrimination complaints and the smallest number of minority members.

Mr. HAWKINS. Mr. Campbell, I have just one question.

I think that you strongly indict the hometown plan. Would you comment on the participation of civil rights groups in negotiations leading to the hometown plan?

Mr. CAMPBELL. I serve as first vice president of the Urban League of Cleveland and was strongly involved in that organization's support and negotiations with organized labor and management in Cleveland, Ohio, for the hometown plan. The Urban League of Cleveland involved itself because of hope and because of faith that such parties along with the strong backing of the U.S. Department of Labor's Office of Contract Compliance would indeed do something to open the door. Something was better than nothing.

We participated in good faith but that faith has been shaken. On June 29 of this year the board of trustees voted to take legal action against those parties responsible which have broken those good-faith efforts and have failed to do what they promised to do.

I can't speak for all civil rights or community organizations in all communities, but I must question such organizational involvement for this reason; community organizations tend not to be skilled in the art of labor negotiations, while construction management and labor certainly are. Consequently, the whole impact, the meaning, the

heart or the intent of a hometown plan can be given away at the negotiation table.

Mr. HAWKINS. Thank you for a very forthright answer to a very difficult question. I want to again express the appreciation of the committee for the testimony which you gave here this morning.

Thank you.

The next witness is Mr. Paul Briggs of the Cleveland Board of Education.

Mr. Briggs, we are certainly delighted to welcome you to the committee this morning and I assume that this is a holiday in the city of Cleveland, as elsewhere, and we again want to express our gratitude that you have taken the time to come to the committee this morning to give us the benefit of your thoughts on this very very difficult subject.

STATEMENT OF PAUL W. BRIGGS, SUPERINTENDENT, CLEVELAND PUBLIC SCHOOLS

Mr. BRIGGS. Thank you, Mr. Chairman. I assure you the Board of Education of Cleveland tries not to have too many off days. It's always a pleasure to welcome to Cleveland any of the various committees of Congress. It is a distinct honor to have Congressman Stokes here this morning because we are all so much aware of his commitments and the great job he is doing in representing his constituents in Washington. When I have testified at committee hearings of the House, Congressman Stokes is usually present and gives me a warm reception; that is, it is a real privilege to be able to welcome him to this meeting in his own hometown.

Mr. HAWKINS. You are not saying you don't see him very often?

Mr. BRIGGS. No, no. Just last week he came in one night for a special dedication that lasted 1 day. He came to Cleveland to help us dedicate a new \$10 million high school—a school that he and his family members had attended. He was the keynote speaker, he made a great speech.

It's a pleasure for me to appear here today before this committee.

I think that the information we have will be affirmative. I want to assure you that I feel rather optimistic when I see what one governmental agency can do about equal employment opportunity.

You are in the largest city of the State of Ohio. This is the largest school district in the State. We have here in Cleveland, 7 percent of all the students in the State of Ohio, but we have almost one-third of all of the children from welfare families. Therefore, it is incumbent on us that we see to it that the program of the Cleveland public schools addresses itself directly to the needs of the poor. We have got to say to the people that, in this generation, we do see to it that our graduates become employable and then get employment. This morning I want to address myself primarily to the matter of the EEO in the Cleveland public schools, the matter of administration. We have moved strongly into this field as far as teachers, and particularly in every phase of school construction, architects, contractors, and engineers.

In fact, we have been extremely successful in hiring minority groups in our school system and this is not just an accident. It's a result of long-range planning which extends the policy of equal employment

opportunities. You will find official statements by our board of education in the little pamphlets we have handed to you. Exhibit 1 shows that as early as 1965 and again in 1966, the Cleveland Board of Education asserted its position with reference to its employment practices with the adoption of policies on human relations. These statements stress the commitment to fair employment opportunities for all citizens.

In exhibit 2, you will find that this human relations policy position, which was passed by the Cleveland Board of Education, was reinforced with additional guidelines established by the board's resolutions of July and September 1970, which relate to the expenditure of board of education funds for services rendered by private construction. Ours was the first of such policies adopted by a school board.

The resolutions state in part:

In addition to the compliance agreement, affirmative action plans for minority employment opportunity shall be submitted as a part of the bid documents. In the implementation of this policy, there has been established an Office of Contract Compliance. The compliance officer is responsible directly to the Superintendent of Schools.

The compliance officer, Mr. William Perry, is here with me today. Mr. Perry has worked as hard on EEO as any compliance officer in the country and, in fact, has probably done the most outstanding job.

I would also like to commend the unions, contractors, and subcontractors who have been most cooperative on all board of education jobs. Without their cooperation and support, our job would be much more difficult, if not impossible.

A credit for success should also go to Mr. William Johnson and his staff at the joint apprentice program of the Workers Defense League for the fine job they have done in recruiting minority persons to fill job openings in the building trades.

The Cleveland Board of Education spends \$25 million annually on construction. If I remain in Cleveland for 2 more years, I will have spent \$226 million in construction. Most of our money comes from bond issues, which is 100 percent Cleveland money. It is the feeling of our board of education and of the administration that as much of this money as possible should be fed directly back to the residents of the city of Cleveland.

All of our work is based on competitive bidding. The lowest qualified bidder gets the job.

There has never been an exception.

Not only do we employ local architects and contractors and purchase most of our materials locally, we insist upon strict adherence to our policy on equal opportunity employment. By enforcing this policy, we find yet another avenue by which to keep Cleveland dollars in Cleveland. Analysis of individuals hired under EEO indicates that almost 100 percent reside in the city of Cleveland. When we hire minority workers, they are residents of the city of Cleveland. Non-minority tradesmen, for the most part, do not live in or pay taxes in Cleveland. Therefore, by insisting on compliance with our EEO policy, people working in Cleveland, who live in Cleveland, are earning and spending Cleveland money in Cleveland.

The total unemployment rate in Cleveland is 5.4 percent. The percentage of unemployed whites is 3.3 percent, while the non-white unemployment figure is 9.2 percent. This figure is much higher in the

central city, as you have heard from testimony from Mr. Campbell earlier. The non-white unemployment figure for Cleveland is the highest in the nation.

The road to employment and employability is through the skilled trades. In Cleveland, in 1964, there were no minority enrollees in apprenticeship training programs. Today, approximately 214 of the nearly 1,666 pupils enrolled are members of minority groups.

On exhibit 3, you will find, looking at the data gathered on EEO for all trades for all construction done by the Cleveland Public Schools during the last calendar year, we have some very interesting and impressive statistics. I refer you to exhibit 3, which is attached.

Of 51 asbestos workers who were employed by the Cleveland Public Schools, 20 or 39 percent, were from minority groups. 30.3 percent of the bricklayers were minority workers. And so the figures go, as you can see, down the list. Looking at the totals, we hired 15,841 tradesmen and 4,817 were from minority groups. Our total percentage of minority workers was 30.4 percent.

Our construction workers were paid an average of \$8.77 per hour in 1971. This hourly rate produced \$1,296,940.49 worth of income for minority workers in the city of Cleveland.

If you will look at the selected project, Gordon Elementary School, which was just completed, you will see equally impressive figures. Remember that Gordon is on the West Side, at 2121 W. 67th St. There again, approximately 30 percent of all of the hours went to minority workers.

I refer you to exhibit 4. 25.9 percent of the 1,382 men on this construction job were minority workers. Their approximate salary, using the same \$8.77 per hour average, was \$90,089.73.

Comparing the Cleveland public schools' minority hiring percentages to sundry standards, you can see exactly how successful we have been. The Cleveland Plan, one of the foremost plans of its type in the country, calls for 17 percent and the Cleveland Plan is well above the minimums established by the U.S. Department of Housing and Urban Development and the various agencies. We have almost doubled the expectation of the Cleveland Plan and almost three times or 300 percent over the minimum standards of the Federal Government.

Furthermore, studies have shown that in many other large cities (you will find this in exhibit 5) there is only 5 to 10 percent minority representation in construction work. It is also well to note that we have employed five (this was written last week, it says four) minority architectural firms for the design of nine of our new buildings. Five different minority contractors have worked on Cleveland Public Schools construction, earning over a half a million dollars.

From our experience, it is easy to conclude that:

1. An EEO policy, if reasonably drawn and fairly administered, can attract the cooperation of both management and labor. Sure, there is going to be some discussion along the way, but it can work.

2. An EEO policy can be used to open new doors of employment to minority groups.

3. An EEO policy can be used as a means of recirculating construction monies within a taxing district.

4. An EEO policy can assist the unemployed to attain economic independence.

5. An EEO policy provides a working relationship between minority and majority groups who may otherwise have no contacts. We think, at the hard hat level, contacts between majority, minority, peoples is important.

The Cleveland Board of Education is pleased to be privileged in pioneering this important social, economic endeavor and trust that its exploration and successes will assist others in developing realistic policies for hiring from minority groups.

You know, if every unit of business and government in the greater Cleveland area, offered the same practice as we follow in hiring, in placing, and advancing minorities, this would be a different community and maybe the need for this kind of a hearing would not be necessary.

Just before coming over this morning, I took a look at a breakdown, a recent breakdown of our hiring practices in other fields other than the building trades. We find that 40 percent of the assistant superintendents of the Cleveland public schools, represent minority groups.

Twenty-five percent of all of our directors and supervisors and coordinators in the administrative field, are from minority groups.

Thirty-six percent of our elementary principals, are minority representatives.

Seventy-two percent of our assistant principals in the elementary schools, are minority representatives. Remember, you draw your principals from your assistant principals.

Seventy percent of administrative interns (these are the ones that are on their way to becoming assistant principals) are from minority groups.

In the junior high schools, 20 percent of our principals are minority, 35 percent of our assistant principals, and 62 percent of our administrative interns.

In the senior high schools, 23 percent of our principals are from minority groups. Fifty-four percent of our assistant principals and 43 percent of our administrative interns.

When we take a look at the total administration of the Cleveland public schools, 39 percent of our total administrative staff represents minority groups. Forty percent of our teaching staff, which makes an average of approximately 40 percent.

We have more schools under construction in Cleveland at the moment, than the total number of schools outside the city of Cleveland in the State of Ohio. We feel, therefore, it is important that we do set this kind of a standard and as we do, I hope we are setting a kind of a standard that can be emulated elsewhere.

I want to thank this committee for the opportunity of coming before you and I will be very happy to attempt to answer any questions you may have.

Mr. HAWKINS. Thank you Mr. Briggs.

Before calling on Mrs. Chisholm, may I at this point introduce the latest arrival. A member of the subcommittee who has contributed a great amount of thought to the subject, and a very articulate spokesman, particularly for the minority, Mr. Landgrebe of Indiana.

Mr. Landgrebe, would you like to make a comment at this point? I know it is unfair to call on you in this way.

Mr. LANDGREBE: Well, I'm sorry Congressman Hawkins, due to the bad weather the plane was delayed in leaving South Bend. I had a very cooperative taxi driver, he rushed me across town here.

I'm here and I'm real glad to see my good friends, Shirley and Congressman Stokes and the whole bunch, so, let's get on with the hearing.

Mr. HAWKINS. Thank you Mr. Landgrebe.

Again, back to Mr. Briggs. Mrs. Chisholm?

Mrs. CHISHOLM. I would like to thank you very much for your testimony. However, it would seem to me that your testimony would seem to indicate a fairly nice utopia, a fairly good situation with respect to the union, with respect to the recognition of equal employment opportunities, for persons in the Cleveland area.

I have a number of questions I would like to ask.

Your general statement, is a very good, general, overall statement. I am always very much interested in the actual statistics with respect to the number of minorities hired in various capacities, the type of capacities or roles that they find themselves in within the construction trade, in the public schools. How many are actually blacks in the administrative and supervisory positions? I wonder if you have those kind of statistics. Those are very important because, this is exactly what we meet when we go over this country. We get lovely statements that things are moving, progress is being made, yet when we look at the actual statistics as to what is happening in each community, or each school district, they are completely different. So, I was wondering if you have some actual breakdowns within the school situation itself, first of all?

Mr. BRIGGS. Yes. Mrs. Chisholm, I would first like to state that I would hope that I was confining my statement to the Cleveland public schools.

Mrs. CHISHOLM. Yes.

Mr. BRIGGS. Not to Cleveland generally. There is a difference.

As far as the statistics are concerned, I have a special analysis that I would like to mail to you, that is an actual breakdown, school by school, of the cities in the State of Ohio, which shows exactly where Cleveland stands in regard to the rest of the communities. I have in front of me, however, an interesting one on the ethnic composition of enrollments as of April 1972, in some of the major cities in the United States.

For example, in Cleveland, let's hold in mind that 38 and a fraction percent of our total employment in the city school district is minority. Now, nearly all of that is black. In Cleveland, when I say minority, I am referring to black. When I take a look at San Francisco, their school system it's 19 percent. That is compared to 38 percent in Cleveland.

When I take a look at Pittsburgh, it's 12 percent; Boston is 5.9 percent; Milwaukee is 14 percent; Dallas is 29 percent; Indianapolis is 23 percent.

I thought we had better pick an Indiana town here. But, I have a breakdown of exactly the positions, then. You are absolutely right, if I look at the Civil Rights figures in cities across the State of Ohio, the figures showed that most of the blacks in many of our cities were employed in clerical fields, cleaning jobs, and as kitchen helpers. That was 1 year ago. It is not the case in Cleveland today. Now, for example, 72 percent of our assistant principals in the elementary schools are black. In the city of Cleveland, there 135 schools; 72 percent of our assistant principals are black; 36 percent of the principals are black; 70 percent of the administrative interns are black.

Now, let's compare that with custodians, 29 percent of our custodians are black. Assistant custodians, 46 percent. When we come down to cleaners, it's 53 percent. You see, the percent of our cleaning staff is not as high in the black percentage as that of the assistant principals. And the same thing goes pretty much all the way through. I might say also, Mrs. Chisholm, we have had a policy for quite a few years in Cleveland, 6 or 7 years, that is, of putting some of our black principals into what were our predominantly white schools and in some cases, totally white schools. It has worked.

Mrs. CHISHOLM. Well, I would like to say that the agreement on the part of the total committee, I would like to have all those statistics for the record.

What about the situation in Collinwood and Glenville High School here in Cleveland, I understand there is a situation there.

Mr. BRIGGS. There is a neighborhood situation in Collinwood and in the Glenville area that has reflected and boiled over in the schools for years. The number of minority pupils has increased. Collinwood was almost a totally white high school a few years ago, both in percent of students as well as staffing. As far as Glenville, Glenville is an all black high school. We do have some white teachers, and some white administrators in Glenville. The student body in Glenville is almost entirely black.

Mrs. CHISHOLM. Thank you, no further questions.

Mr. HAWKINS. Thank you, Mr. Stokes.

Mr. STOKES. Thank you, Mr. Chairman.

Dr. Briggs, when I came in last week to speak at East Tech's dedication ceremony, a new \$10 million edifice there, I understand a large amount of funding was from Federal funds. There were two things that I learned on that occasion than maybe you would like to comment on.

One was the fact that the building of the school, the planning of the school was cooperative planning between community and between the school system itself.

Second, a large amount of the \$10 million coming into our community through the Federal Government, was expended to minority contractors. I would like to have whatever comments you have on that.

Mr. BRIGGS. That is true. In the first place, we did involve people from the neighborhood and community groups in planning. We involved students. We involved members of the staff. And then, we developed a document, which we called the educational specifications that went to the architect, and then we had some subcommittee meetings between the various groups and the architect.

Interesting enough, that school, as you know, Mr. Stokes, is located in an area where there are many many problems; many social problems, many problems of poverty. It is in an area where some of our elementary schools have over 90 percent of their students from welfare homes. But, during construction, during the period of construction, we did not have a single act of vandalism on that building. I have been involved in building 100 schools in the lifetime of my administration. Never have I been associated with a school with less vandalism and more cooperation than East Technical High School.

Up until just a few hours ago, there had been no vandalism in that school whatsoever. Now, in that school—well, we did operate two-

schools, the old one across the road getting ready for the new one during a 6-month period we had the lowest incident of vandalism in all of our schools in the city of Cleveland. By the way, the school that was second lowest in Cleveland, also was an inner-city high school. The higher vandalism incidents occur in those schools located near the suburbs. And when you move into suburban areas, then you find another set of circumstances.

This school has done a great deal, Mr. Stokes, I think, to inspire pride, I just hope it says to these young men and women, there is a better tomorrow than what yesterday provided.

This is the first school that placed every graduate in a job last spring. Every single graduate that wanted a job from East Tech, last spring, was placed. This was a school that 10 years ago had only 10 students of its graduating class go to college. The principal, Mr. Smith, tells me this fall, 52 percent of last spring's graduate class is in college this fall. Everyone of them on a scholarship.

I think it is a tribute to the fact that, not only is there a building there that stands as a tribute to our faith in tomorrow, but as those students saw the building going up, they saw ironworkers, and you know there aren't supposed to be any black ironworkers, but they saw some black ironworkers on that job. They saw black plumbers, they saw black skilled laborers throughout that job.

Now, we do not accept, in our compliance agreement, just a statement that a contractor will have so many of his workers, or a certain percentage of his workers from minorities. We say, we not only want a percentage of workers, but we want the percent of their hours worked. These are two quite different things. It is easy to play a game of checkers, you know, moving people from job to job, to job to job and counting the men on each job. We insisted on this building having the same amount of percent of the total hours, the total to minority workers, as the percent of minority workers. We accomplished this. As I indicated to this committee earlier, we had cooperation from the unions, and the contractors; without it, we could not have done these things. I want to correct an item in Mr. Campbell's testimony. When he indicated that no contractor had been forced to comply. This is not true in the Cleveland public school situation. This is not true. I was checking with Mr. Perry during that testimony and he tells me that we have held funds from at least 10 companies until we have had cooperation. But, we had cooperation. In one case, we withheld one quarter of a million dollars for 1 year. We slowed the project down until there was compliance and that individual, that firm, went out of business. But, we would not pay unless there was compliance.

And so I say, we did have cooperation, but there is a real relationship between the payment of the bills and cooperation. I felt very strongly that it was important for us to establish, first of all, the game rules before the bidding. Then, to have a contract compliance conference before we signed the contract, after the bidding, and then an on the job inspection during construction. We feel strongly enough about the enforcement of this, so the compliance officer reports to no one else in the Cleveland public schools except directly to the superintendent of schools. We do get compliance. I have got to say this, I think we do. At the moment we are getting nothing but harmonious compliance on our contracts. Now, you might find something quite

different with the same contractors when they are working for someone else. But, not for us. Because, if they are going to work for us, they are going to comply and it's understood. It's perfectly clear.

Mr. STOKES. Let me ask you this. When you run into the kind of a situation where, assuming the lower bidder for the contract, one who is a noncompliant with respect to the kind of minority, and someone who has a higher bid is in compliance, what happens in that kind of a situation?

Mr. BRIGGS. We avoid that situation, Congressman Stokes, by insisting that their eligibility to bid is based, first on their compliance, willingness to comply and their willingness to give us a declaration that they will comply. Without that, we will not open their bid. So, therefore, they have not bid the job. In order to bid, they must be in compliance or willingness to comply. And then before we sign a contract with them, we have a compliance contract meeting and there any details are worked out. And then we have inspections.

Mr. STOKES. Thank you Dr. Briggs. I have no further questions.

Mr. HAWKINS. Mr. Landgrebe.

Mr. LANDGREBE. I'm sorry Dr. Briggs, that I arrived too late, but I think you have given a very fine statement here and obviously public schools of Cleveland are doing everything they can to assist in developing the skills of the minority groups and I certainly commend you not only for your statement but for your dedication to this principle.

Mr. BRIGGS. Mr. Campbell has informed me, Mr. Chairman, that his reference was to the Federal Government and not other—

Mr. HAWKINS. I think that's true. I was just going to make that statement.

Mr. BRIGGS. You see, I'm just sensitive about this a little bit.

Mr. HAWKINS. You could both be telling the truth, not in conflict with each other.

Mr. BRIGGS. That's right.

Mr. HAWKINS. Again, thank you Mr. Briggs for your testimony.

(The following information was submitted by Mr. Briggs in response to questions asked him by the members of the subcommittee.)

CLEVELAND PUBLIC SCHOOLS,
Cleveland, Ohio, October 26, 1972.

Congressman GUS HAWKINS,
House Office Building, Washington, D.C.

DEAR Mr. HAWKINS: It was good to have your Subcommittee on Education and Labor meeting in Cleveland this week.

The purpose of this letter is to fulfill my promise to provide detailed information and statistics regarding hiring practices of the Cleveland Public Schools to Mrs. Shirley Chisholm. While my testimony was largely confined to E.E.O. policies and practices in the building trades, data including professional staff are included.

Please see the following enclosures:

1. Summary of all building trades work by both man hours and persons for the calendar year of 1971.
2. A survey made by the Ohio Civil Rights Commission.
3. 1970 Professional Staff Statistics. This is an analysis of minority professionals working by classifications in the Cleveland Public Schools.
4. Non-white Principals. This chart shows the number of non-white principals in the Cleveland Public Schools between 1950 and 1971.
5. Equal Employment Opportunity Policy.
6. National study of racial and ethnic enrollments and staffing in some leading cities.

I trust that the above mentioned materials adequately answer your questions regarding our Cleveland Public Schools equal employment practices.

The performance of the Cleveland Public Schools in all matters related to EEO, demonstrates that units of government can achieve at or above currently established goals. If all other units of government, private institutions, and agencies would meet the performance of the Cleveland Public Schools, many of our Cleveland social and economic problems would be solved.

Again let me thank you for the courtesies that you and your committee extended to me last Monday.

Sincerely,

PAUL W. BRIGGS.

PROJECT: TRADE TOTALS FOR ALL PROJECTS, DEC. 31, 1971—MANPOWER CHECK

Trade	Hours			Men ¹			Paid to minorities at average of \$8.77
	Total	Minority	Minority, percent	Total ¹	Minority ¹	Minority, percent	
Asbestos.....	1,868	772	41.3	51	20	39.2	\$6,770.44
Bricklayers.....	99,253	28,294.5	28.5	2,747	833	30.3	248,142.76
Carpenters.....	74,299.75	18,847.5	25.3	2,242	561	25	165,292.58
Cement finishers.....	16,628.5	5,577.25	33.5	811	234	28.8	48,912.48
Electricians.....	42,626.5	10,360.5	24.3	1,300	308	23.6	90,861.59
Engineer/Operator.....	19,066.25	3,575	18.7	588	94	15.9	31,352.75
Excavating.....	10,569.75	2,959.5	27.9	419	112	26.7	25,954.82
Fitters.....	29,684	8,314	28.0	879	235	26.1	72,913.78
Flooring.....	1,014	248	24.4	48	12	25.0	2,174.96
Glazier.....	1,708	104	6.0	68	3	4.4	912.08
Iron.....	20,986	3,247.5	15.4	932	131	14.0	28,480.58
Labor.....	102,650	53,462.25	52.0	3,464	1,661	47.9	468,863.93
Elevator mechanic helper.....	233	58.5	25.1	9	2	22.2	513.05
Miscellaneous (clerk, dispatcher).....	3,166	1,364.5	43.0	87	35	40.2	11,966.67
Painters.....	6,976	1,862	26.6	194	51	26.2	16,329.74
Plasterers.....	200	24	12.0	9	2	22.2	210.48
Plumbing.....	33,393	7,881	23.6	1,039	245	23.5	69,116.37
Roofing.....	3,764.5	1,005	26.6	206	54	26.2	8,813.85
Sewermen.....	467.5	467.5	100.0	32	32	100.0	4,099.98
Sheet metal.....	15,951.75	2,850.5	17.8	521	104	19.9	24,998.89
Supervision.....	3,610	0	0	96	0	0	0
Tile.....	486	0	0	11	0	0	0
Truck drivers.....	1,659.5	1,151	69.3	143	88	61.5	10,097.27

¹ The total numbers in the column for men, total minority is an accumulation from weekly payrolls and not a count of individuals.

SUMMARY OF DATA REGARDING NEGRO EMPLOYMENT IN THE 8 LARGEST CITIES OF OHIO

	Certified personnel						Noncertified personnel (percent)		
	Negro teachers		Negro principals		Negro assistant principals		Negro counselors		Food service
	Number	Percent of total	Number	Percent of total	Number	Percent of total	Number	Percent of total	
Akron.....	163	7.41	4	5.80	1	4.55	9	13.43	2.50
Canton.....	56	5.89	2	6.25	3	175.00	3	11.11	9.73
Cincinnati.....	740	22.39	15	14.56	21	28.38	27	30.00	14.61
Cleveland.....	2,314	37.25	47	27.49	64	46.38	46	27.06	45.83
Columbus.....	513	12.55	14	8.28	7	11.67	15	14.29	10.76
Dayton.....	746	28.77	13	18.84	14	33.33	12	30.77	8.33
Toledo.....	438	16.50	9	12.33	8	16.67	6	13.95	8.03
Youngstown.....	89	7.75	2	4.55	1	6.25	1	4.35	3.00
Total.....	5,059		106		119		119		

¹ Only 4 assistant principals employed; 3 are Negroes.

Source: 1970 report of the Ohio Civil Rights Commission.

ANALYSIS OF THE COMPLETE REPORT SHOWS

Almost one half (45.74%) of all Negro Teachers in the eight largest cities of Ohio are employed in Cleveland.

Of 225 Negro Principals and Assistant Principals in the eight largest cities of Ohio, 111 (49.33%) are employed by the Cleveland Public Schools.

Of the 3410 non-professional Negro employees in the eight largest cities, 2066 (60.59%) are working in the Cleveland Schools.

While Cleveland employed approximately one fourth (26.8%) of the total number of teachers, it employed almost one half (45.7%) of all the Negro Teachers.

While Cleveland employed less than one fourth (23.4%) of the total number of principals, it employed almost one half (44.3%) of all the Negro principals.

While Cleveland employed approximately one fourth (26.9%) of all the certified personnel, it employed almost one half (45.7%) of all the Negro certificated personnel.

While Cleveland employed 47.4% of all non-certificated personnel, it employed 60.5% of all Negro non-certificated personnel.

In five of the seven personnel categories, the percent of Negroes represented among Cleveland Public School employees was more than double the percent of Negroes represented among employees of the seven remaining large-city systems in Ohio.

CLEVELAND PUBLIC SCHOOLS—OFFICE OF THE SUPERINTENDENT OF SCHOOLS; PROFESSIONAL STAFF
STATISTICS, RACIAL COMPOSITION, FALL 1970

	Totals	Non-minority	Minority	Minority percentage
I. General office:				
Assistant superintendents.....	5	3	2	40
Directors and supervisors plus coordinators and other administrative staff.....	115	73	42	37
II. Schools:				
Elementary principals.....	130	89	41	32
Elementary assistant principals.....	51	15	36	71
Elementary administrative interns.....	21	8	13	62
Elementary consultant teachers.....	29	5	24	83
Secondary school principals.....	43	29	14	33
Secondary assistant principals.....	85	55	30	35
Secondary leadership development.....	33	5	28	85
III. Teachers.....	6,025	3,725	2,300	38
IV. Grand total.....	6,537	4,007	2,530	39

¹ Estimated.

CHART 4 EQUAL EMPLOYMENT OPPORTUNITY

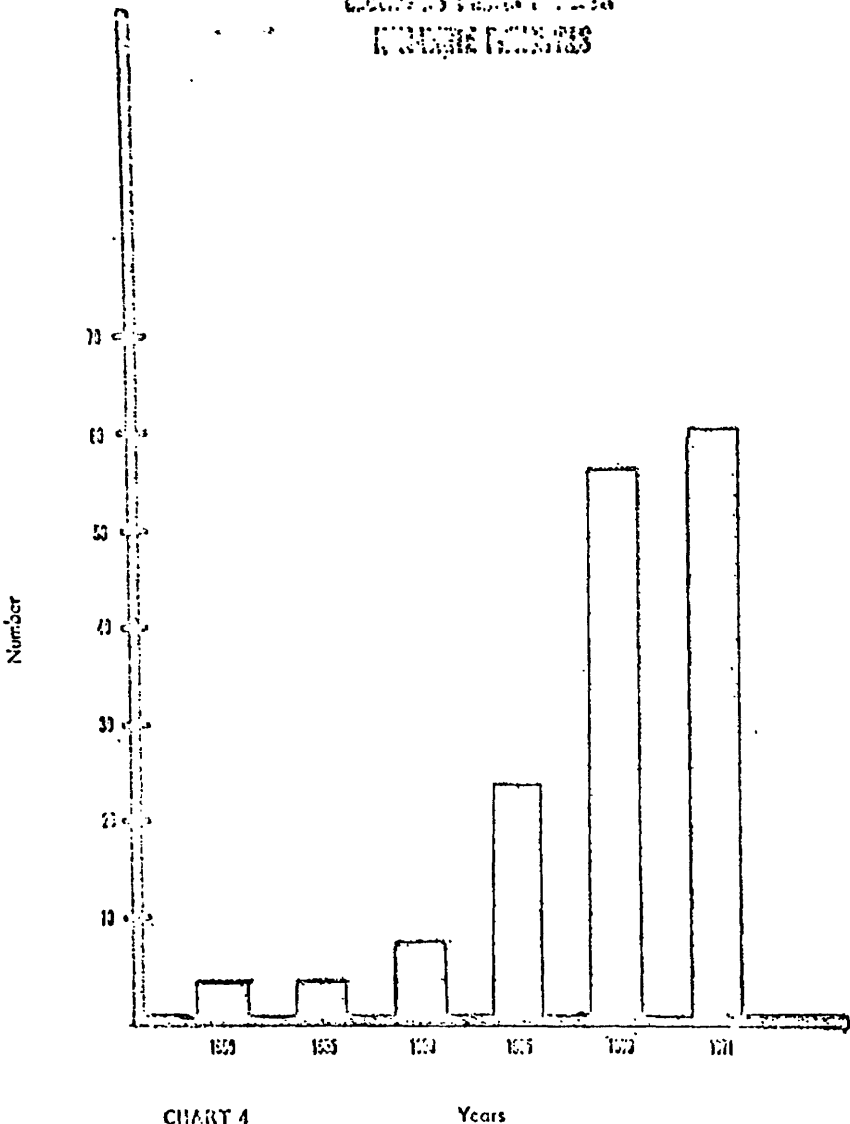


CHART 4

Years

EQUAL EMPLOYMENT OPPORTUNITY

In its policy statement on human relations adopted July 1966, the Cleveland Board of Education asserts its recognition that "an important part of quality education is the development of attitudes of democracy and of respect for the worth of each individual." The development of such attitudes entails the establishment of programs and procedures which promote fair employment opportunities for all citizens. Consistent with that position, it is the policy of the Cleveland Board of Education "to hire, promote and assign administrative, teaching and other employees without regard to race, color or religion."

This policy has been and continues to be implemented, as perusal of the employment rolls of the Cleveland Board of Education will indicate.

However, the impact of Board of Education activity extends beyond its own immediate employment policy and practices. It is a major consumer of goods and services provided by a variety of private business establishments. In this regard, it is properly the concern of the Board of Education that such funds as it controls be expended in a manner consistent with its commitment to equitable benefits for all citizens.

Consequently the Board reaffirms its policy that in the purchase of goods and services, equal opportunity for sales be made available to businesses owned and operated by members of minority groups. In instances where bidding is required, it is the policy of the Board of Education that businesses owned and operated by members of minority groups be encouraged to enter competitive bidding for the sale and delivery of goods and services required by the Board.

Specifically with respect to the construction and/or remodeling of school facilities, it is the policy of the Board to comply fully with all applicable state and federal laws regarding equal employment opportunity for all citizens.

All invitations to bid shall contain a notice that the bidder must comply with all applicable provisions of state and federal law regarding equal employment opportunity. Each bidder must file a statement of acceptance of the requirement as part of the bid documents. Provisions pertaining to contractors apply as well to sub-contractors. In addition to the compliance agreement, affirmative action plans for minority employment opportunity shall be submitted as part of the bid documents together with statements of approval of each plan by the appropriate state and federal agencies. The compliance agreement and the affirmative action plan of the successful bidder shall become part of the contract.

In the implementation of this policy, there has been established an office of contract compliance. The compliance officer is responsible directly to the Superintendent of Schools. This officer shall familiarize himself with requirements and provisions of all applicable federal and state laws.

To facilitate the development of acceptable compliance agreements and affirmative action plans, the compliance officer will be available to prospective bidders for consultation and suggestions in the development of their plans.

During construction activity he shall visit the sites of major construction weekly to ascertain continuing compliance.

He shall make a status report weekly to the Superintendent of Schools regarding activity covered by this policy.

The Superintendent shall make recommendations to the Board of Education for action when contract performance is at variance with the compliance agreement and/or the affirmative action program.

CURRENT POPULATION DATA, MAJOR CITIES

[In percent]

City	School district population		Pupil enrollment		Professional staff	
	Minority	Nonminority	Minority	Nonminority	Minority	Nonminority
Atlanta.....	51	49	73	27	61	39
Cincinnati.....	26	74	45	55	21	79
Columbus.....	28	72	28	72	16	84
Dayton.....	32	68	40	60	33	67
Detroit.....	44	56	65	35	42	58
Dallas.....	30	70	36	64	25	75
Philadelphia.....	34	66	61	39	34	66
Pittsburgh.....	20	80	42	58	15	85
Cleveland.....	38	62	57	43	40	60

Mr. HAWKINS. The next witnesses will be Mr. Bill Johnson and Mr. William White.

Mr. Johnson and Mr. White, will you identify yourselves for the record.

STATEMENT OF BILL JOHNSON, EXECUTIVE DIRECTOR, CONSTRUCTION EQUAL EMPLOYMENT PROGRAM AND WILLIAM WHITE, LOCAL 404, CEMENT MASONS OF CLEVELAND

Mr. JOHNSON. My name is Bill Johnson, executive director of the construction equal employment program, formerly director of the joint apprenticeship program.

Mr. WHITE. I am Mr. William White, member of Local 404, Cement Masons of Cleveland.

Mr. HAWKINS. All right, who is going to begin? Mr. Johnson?

Mr. JOHNSON. Yes.

First of all, I would like to point out that I am a native Clevelander and that one of the things that I hear at all these hearings is people painting a beautiful picture of this particular organization and whatever they are affiliated with. I may do some of the things, but also I am here to talk real facts.

First of all, I don't think that enough homework is actually done on the various laws that are in force, Civil Rights Act of 1964, the various Executive Orders in existence. The Federal Government does not, and has not, enforced the various laws that are on the books and there are many reasons why. I think that we have got to look at the staffing of each one of those agencies that are to do compliance. They are so watered down in the sense of manpower, that they cannot do an effective job. And I worked with Howard Greene of HEW, Bill Stewart of HUD, Donna High of OSEC, John Coles, formerly here of the city of Cleveland, Bill Perry from the school board and I think with each one of them, with the exception of maybe Bill Perry, that they did not have sufficient enough staff to do the job that they were supposed to do. I think also we have to look at federally funded programs, such as mine. Formerly, during the apprenticeship program, being director of it here, we came into Cleveland in 1967 and there was a report done in 1967, on the number of minorities that were in the various apprenticeship programs at that time and in the skilled trades, which happen to be plumbers, pipefitters, sheet metal workers, electricians and ironworkers, there were only a total of six minority individuals enrolled in those particular trades.

Since 1967, what has happened? Well, some 263 minorities have been placed in those five trades basically through the joint apprenticeship program. Now, we are not saying that this is sufficient. It's only a drop in the bucket compared to the overall number of tradesmen that are in those five particular trades.

One of the reasons is that the apprenticeship system is a slow tedious system. I think that people have to look at the programs to place individuals, basically minorities, through our program, what they are confronted with. We are confronted with a procedure that takes anywhere from a minimum of 3 to 9 months to get an individual applicant into a trade union, apprenticeship program, one that apprenticeship program accepts applications.

There are four basic procedures which a person must go through. Those four procedures are: filing an application, if he is eligible for that apprenticeship program and eligibility is based on age and education in the apprenticeship system;

Taking some kind of written examination; going into an oral interview, which is usually conducted by labor and management, usually white;

Fourth, being selected.

Now, during this process, there is dropout procedure, if you can call it that. Procedure in which individuals are—they take into consideration, should I go through this or is it really worth it? And the main thing for a program such as the joint apprenticeship program, which is now the recruiting program, is to try to counsel the individuals. Our job has been very hard in the respect that a fellow will come in who wants to get into the trades, have a sincere interest and the first thing we let him know is how much time it is going to take him to get into that program. They need money now.

This is one of the reasons that coalition came about to negotiate a hometown plan called CEEP. Construction equal employment program. I was cochairman of the coalition. I was one of the negotiators for 2 years with labor and management to get a plan ironed out and, as has been stated in previous testimony, maybe we aren't articulate when we negotiate with labor and management. They have paid specialists and so forth, and we come from a community, to try to correct some of the injustices and so forth that have been done over the years. I think with Cleveland that we have a good plan on paper. The plan would take it over a 5-year period, some 2,509 minority individuals and again I think these hearings are being held to see how we can help the majority of people get into the lucrative positions of skill and so forth.

Now, one thing that I feel, and I am talking maybe around and about this fact, the Executive orders and so forth that have come down on job-by-job, project-by-project monitor, I say they have failed. I say they have failed miserably because, certain trades, with the Federal dollars that have been spent here since those Executive orders were enforced, certain trades that could not have built any project or worked on any project, yet they have continued to go up. In previous testimony I have heard that there were a number of tradesmen on particular job sites. This was referring to the school board. There is no way in the world that with the figures and the percentages they quoted, that they are truth. The trade that I am down on is the asbestos workers and glaziers. The glaziers have a total of four minority members. Three of them came to the recruitment training program as apprentices. One got in as a journeyman. So, there is no way that the glazing hours on a particular job and the man-hours could be over four people.

The asbestos workers has a total of five minority individuals. So, there are trades that have been slipping by and they are involved in every construction project that is going on.

I think that if we look at the bricklayers and the cement masons, their membership is composed of around 30 percent minority and yet this does not afford these individuals who are in that trade union an opportunity to work all the time.

Contract compliance on a job-by-job basis has only given an opportunity for minorities to work on a particular project. What I mean by this is, once a project goes up with job-by-job manning tables, a contractor may contact a fellow contractor who does not have a manning table job. He may have a minority on his payroll. So all he does is shift that minority from that particular company to the company that has that manning table. So, you haven't really created another avenue for minorities to start making some money. Here is where the hometown plan hopes to change this. Now, by all means, the Cleveland plan is not working at this time. I will not say it is not working, we are behind on our placement goals. We have only 22 percent of our placement with 50 percent of our time elapsed.

Now, there are several reasons for this. The main reason is because the Office of Federal Contract Compliance gives conditions. They came out after the Cleveland plan was signed in July of 1971, OFCC published a document in which they did not put any language under part I, for a contract that you could really be complying to except for using the terms "Good Faith Efforts," and "Fair Share," without even establishing what is a good faith effort and what is a fair share for contract. But under part II, goals, and timetables were established for contractors who are signatories to the plan but the labor union they get their manpower from is not signatory.

So, at least we know what to shoot for with the contractor who is not in compliance with the CEEP plan. Now, one of the things that my administrative board has done, which consists of three persons from labor, three management, and three community representatives, they have established goals and timetables for part I contractors.

Now, the goals and timetables for a part I contractor are based on the same goals that that particular craft is shooting for over a given year. And these are on an incremental basis over the next 5 years, where we will come up with the number of minority in this craft local based on the number of minority individuals in the jurisdiction of that local and it varies anywhere from 15.2 to 19.6 percent minority participation in any craft local at the end of 5 years.

The various hometown plans across the country have not worked. Basically, because usually management and labor tap out after the plan is signed. They have a projected shield saying they are signatories to the document. Here in Cleveland, because of our past experiences with apprenticeship and so forth, we have been able to make various contacts and establish various reports with certain craft locals. Since March of this year, when we were actually funded by the Department of Labor, Office of National Projects, we have placed some 111 minorities in various building and construction trades that are signatories to compliance. I don't know how many whites have gone in since that time. Construction in Cleveland has been down and again, this could be a tap out from labor and management, the reason we are not at the percentage we should be.

We have to look again at the Federal Government who has allocated money for local construction and the money has been held up because of the man in the White House saying we are going to cut back on certain budgets and so forth. So, a program that is funded by one branch of the Federal Government of the Department of Labor, is held up by other branches saying that they are going to cut back on Federal spending for construction.

What I am saying is that these programs in certain cases are pacification programs. To pacify the community, they announce loudly to the community that we have a plan to do certain things, but yet they don't announce loudly that we have cut back on Federal spending, which is going to affect that particular program of placing minorities in the construction industry.

I think that if we establish a road that will say to every contractor, you must have a certain percentage of minority individuals on your payroll, now, what this will do, even in hard times when contractors are cutting back and there are people unemployed in certain industries, it will not mean that traditional route that minorities will be the last to be hired and the first to be fired. In other words, a contractor still has an obligation to have a certain percentage of his whole payroll as minorities. This will afford an opportunity for minority individuals to get into various craft locals and basically I speak of the construction industry.

So, this is my brief statement. Again, it isn't written down but these are things that we have been facing in my program since 1967, and now in the construction equal employment program since March, 1972. Again, I must say that people should do their homework completely across the board. When I say this, we realize in the construction equal employment program, that various organizations in the community are not satisfied with the production that we have put out. It is not based upon the program not being good or anything of this nature, or participants in other programs, it is based on certain economics and other points that have come up since we signed the plan. One thing that we have done, is, we have a suit going right now against one of the locals, Sheet Metal Local 55 and again, across the country, there are certain what we call renegade movements who don't want to go along with the change and the change is here and again, what we have got to do is keep on pushing in order to effect the various laws and plans that have been established. And again, the plan is only as good as the participants of the plan. Thank you very much.

Mr. HAWKINS. Thank you very much, Mr. Johnson.

Mr. White.

STATEMENT OF WILLIAM C. WHITE, LOCAL 404, CEMENT MASON'S UNION

Mr. WHITE. Mr. Chairman, members of the committee, I'm mostly concerned with the problems of one local, that is the Cement Masons Local 404 of Cleveland, Ohio. It has a membership of approximately 600 members. It is the largest local in the State of Ohio and it has, as far back as I can remember, to my knowing, there has been segregation and discrimination, dual standards.

What I would like to talk about is, on February 18, 1965, five members of the black community or the black members of the local representing the minority groups, met with the officers and the executive board to present a petition signed by 94 black members protesting the discrimination and the segregation that existed in the local. This petition was presented with the thought that they were internal problems that could be solved within the membership. At this meeting, it was agreed upon that discrimination and segregation

did exist. The President requested that time be given their officers to discuss means in solving their problems.

After a lengthy period of time had passed, and no positive action was taken, charges were filed against the local with the Ohio Civil Rights Commission. After a lengthy investigation by the Ohio Civil Rights Commission, no decision was rendered against the local, but they demanded that the local make changes to correct the problems for which we had filed charges. We thought this very odd because if they were not guilty, why would they have to make changes to correct the discrimination and the segregation that we complained about. The union came up with some recommendations that were accepted by the Ohio Civil Rights Commission to correct these problems, but never complied with any of them. The Ohio Civil Rights Commission was supposed to check periodically to see if the union was complying with their own recommendations, but to our knowledge, never have.

Having been disappointed with the outcome taken by the Ohio Civil Rights Commission, we then filed charges with the Equal Employment Opportunity Commission. After a lengthy investigation, the Equal Employment Opportunity Commission ruled on December 15, 1970, that there was reasonable cause in some of the areas in which we had filed charges. On August 17, 1971, their efforts for conciliation in this matter with the local had failed, and we were advised that we had a right to initiate action in an appropriate Federal district court. We did engage a lawyer and filed suit in a Federal court, and at the present time, we are waiting for this case to come to trial.

In the 7 years since the initial act to solve these problems by law began, all of the evils of discrimination and segregation still exist, and at the moment, are worse than they were in 1965. The members that were involved in these actions have been dealt one reprisal after another. Other black members have been taken advantage of also. In the last 3 or 4 years, work having not been good in this area, naturally the blacks were the first to feel the effects. We have broken homes because the men have had to leave this area seeking work. We have mothers who have had to seek welfare who would not have had to do so if the things that we were asking for were being given to all of the members of local 404, both black and white; namely, equal opportunity and equal representation. Thank you.

Mr. HAWKINS. Thank you, Mr. White.

Mr. Stokes, any questions?

Mr. STOKES. Just one or two perhaps of Mr. Johnson.

Mr. Johnson, I am quite interested in your reference to the approach of saying that a contractor has on his payroll a certain percentage of minorities. Now, how would you predicate that percentage?

Mr. JOHNSON. Well, this has already been done through our program. The percentages established, basically what we have taken is jurisdictional area of the particular trade, as a maximum percentage. The number of tradesmen. In the particular local that the contractor is getting his manpower from and the number of minorities that are also in that trade local and make that into a percentage. Then, we establish a minimum percentage of what is in the trade right now. Then, year by year we increase that percentage and this is the same number of persons that the local union is shooting for over a 5-year period with the plan. That same percentage is the percentage that

contractor would have to have on his work force. That is the only way that we are going to have a tool to make the program to work. In other words, we can recruit 1,000 people that we don't have contractors that have to take individuals or will take individuals, it's not going to do us any good.

Mr. STOKES. Then in effect, what we are really talking about is quotas, isn't it?

Mr. JOHNSON. Goals and timetables, since the word "quota" has been outlawed.

Mr. HAWKINS. Mr. Landgrebe.

Mr. LANDGREBE. Mr. Johnson, you talk about a lack of minorities on the jobs in the skilled crafts.

Are there serious applicants for these jobs?

Mr. JOHNSON. I laugh at that in a sense, because any time you talk about the unemployment situation in the minority community as being 9, 10 or whatever the percentage is, there are always applicants who want to get into skilled lucrative positions. One of the things that minorities have faced is a lack of knowing where to go to get into such programs and how to go about it.

Being a graduate of East Tech in 1964, the only people that came in and talked to us, my particular class, was the Army, Navy, Air Force, and Marines. In other words, we didn't know where to go. Now, if there are programs that go out into the community and let them know where to go and how to go about getting into these service programs, we will definitely be able to come up with applicants. We have recruited over the last 5 years since we have been here, over 5,000 individuals. Those individuals all have not been eligible for apprenticeship and again, this is one of the reasons that the hometown plan came about.

Mr. LANDGREBE. Well, of course, even in times of unemployment, there is oftentimes a lack of people, serious people who wish to find employment.

Mr. JOHNSON. There is a vast number of things we have here. One of the things we have here is that at East Technical High School, Max Hayes, trade schools that are dealing with individuals who want to get into skilled trades, we have got other schools and so forth, other types of training programs that train a person to a certain point. But, if there is no direct avenue into the skilled construction trades, then that individual's training and so forth is fruitless. Again, this is one of the things that happens, I say in the high schools. A person goes in to become an auto mechanic or whatever have you, and if he doesn't have the opportunity to pursue that field once he graduates, he ends up in a factory as a production worker and that's it. Even though he may want to be an auto mechanic. So, in answer to your question, there are individuals who want to get into the skilled trades.

Mr. LANDGREBE. I might say that none of my questions are intended to be anything but serious questions, into which I plan to delve, and I believe this is the purpose of the committee meeting, to try to find answers to problems.

Why do you suppose it is, that the contractors and the unions are hesitant, obviously hesitant, to hire minorities?

Mr. JOHNSON. Well, that to me—both of them have the same tap out. Labor says that contractors are not requesting individuals, minorities, per se. Contractors say that there are no minorities in the

trade unions. So, therefore, they only request a man. Whoever the man who runs the labor union sends out, that's fine. Because, a contractor doesn't give a care about anything but making money. That is what he is there for. So, if his building takes 10 people, he doesn't care what 10 people are out on that job. So, what we have got to have is more direct requests for minority participation.

Mr. LANDGREBE. Assuming that the contractor—you said yourself that the contractor could care less—needs a certain number of people and he wants the best qualified people, the highest skilled people because he wants to put up a building he can be proud of. So, he doesn't care. So then obviously, it would be the unions that are screening off the minority groups; is that correct?

Mr. JOHNSON. Correct. Well, as I said before, the only system that minorities had to get into the construction union was through the basic apprenticeship plan or taking a journeyman's examination.

The apprenticeship qualifications and procedures are procedures to screen out individuals. They screen minorities because of age and educational qualifications. You can take any one of the critical trades, sheet metal, electricians, pipefitters, plumbers, the maximum age is 23, with military service, it is 26. So, an individual who may have gone to college or something of this nature for 2 or 3 years, who is 24 years of age, graduated from high school, had 3 years of college, could not get into plumbers, pipefitters, electricians or sheet metal, because he is too old at 24.

Mr. LANDGREBE. How many college graduates are interested in going in and becoming plumbers, or pipefitters? Are you trying to tell me that there are actually college graduates looking for those jobs?

Mr. JOHNSON. Let me just give you an example.

On the carpenter's last apprenticeship examination, there were 118 people who applied of which 60 were minority. There were 15 openings. Three of those openings were gotten by college graduates. In other words, individuals are in it to make money. In the construction industry, there is money. And also, these college graduates don't see themselves working in the trades all their lives, what they are trying to do is get some expertise to go into the business for themselves or go into management for one of the large companies. So, this is what we are trying to do for the brothers too.

Mr. LANDGREBE. One more question, if I may, Mr. Chairman.

Why do you think that the unions are deliberately screening out the minorities?

Mr. JOHNSON. I am not saying that the unions are deliberately screening out the minorities. Union screen out everybody. It is the law of supply and demand.

If a business agent has 100 persons in his local and he does not accept any more and there is work for 150, he is going to keep everybody happy. He is going to be a business agent for the duration that he can keep people happy. Once he takes in more individuals then maybe there are jobs, then he is going to run into the problem of being reelected. This is one of the things, the political system has set up.

Mr. LANDGREBE. Around Indiana, I hear a lot of comment from factories and others about their problem with absenteeism or just lack of employees who give a damn. And now, what are you doing in your particular spot, trying to change or improve the attitudes of people

who, if not working, want jobs and would like to find employment, but sometimes can't convince the employer that they are serious and they would, if hired, be on the job at the starting time and produce fairly quality work?

Mr. JOHNSON. Well, to that, our procedures, we have a followup system and so forth, we have approximately 15 people on my staff, they try to stay in contact with employers.

But, one of the things that we do is have individual rap sessions with the individual person who has been placed, to find out what the problems are. And it always, given the problem that the minority individual is late and so forth, there are personality clashes and things of this nature which we try to get ironed out. Again, I'm not saying that it's all the other person's fault. Sometimes a brother brings the problem upon himself. It may be a transportation problem. The fellow just got out of high school. Just started working, he doesn't have a car, he hasn't started drawing any money yet from the company, things of this nature. So again, what we try to do, knowing of the problem, we try to solve them. We have a small revolving fund in which we have bought people cars and things of this nature.

So, there are a vast number of problems that we try to work out and in most cases we have. Our dropout rate, and I am speaking strictly of construction now, has been less than 10 percent over the 5 years that we have been operating. When you speak of industry and I speak of construction I think there is a dollar difference and one of the things that will, again, help an individual keep the faith is by earning more money.

Mr. LANDGREBE. Well, of course, historically the building trades craftsmen have been given, or permitted to earn premium wages because of what used to be considered, you know, sporadic work. Whereas, if you work in the factory you expect more of a steady employment.

Mr. JOHNSON. Well right now, the construction season can no longer be called sporadic. They have various chemicals in cement that they can go ahead and pour to the minus degree. They can put up a plastic tarpaulin over a building and continue to build. So, those particular avenues of coping out, again, for labor and management saying sporadic and so forth, aren't true.

Another thing, if you take a maximum wage that is earned here in Cleveland, in the building trade, which is around \$10 an hour, and multiply that by just 9 months of the year, 40 hours a week, you come up with \$15,000 per man. Now, I'll work 9 months for \$15,000.

Again, you know, I'm saying that there are individuals in the community that aren't making \$2,000 but have the skills and the ability to get into the construction industry but again, because of previous avenues and so forth, confining avenues, they didn't get in.

Mr. LANDGREBE. Well, I might just say that some of these construction crafts people are pretty skilled and they do some work that certainly I couldn't do and I suppose, my friend Hawkins could do it, probably could do it, and things like that. Anyway, I would yield back the rest of my time and thank you kindly.

Mr. HAWKINS. Mrs. Chisholm?

Mrs. CHISHOLM. Thank you, Mr. Chairman.

The thing that really concerns me is that first of all, our Federal Government needs to clean its own house up so badly. Here you have.

a gentleman giving testimony on a case that has been pending since 1965.

You have an Ohio civil rights commission that is quite aware of what the difficulties were. And they even said, after meeting with the officials, that certain recommendations were to be understood and certain recommendations were to be carried out. And at this very very moment, men who want to make a living for their families so they wouldn't be called bums standing on street corners of this country, after this very very moment there is nobody seeming to have the responsibility of enforcing the laws. And this is what is wrong in our country. Yes, we have laws. We have grievance, but nobody enforces it.

Mr. White, I want to ask you this question. Would it seem to you, perhaps at times, that labor and management is in tacit agreement to keep these groups from moving in, they just can't move in, and if that is so, the time has come that maybe the people who are trying to move in cannot depend on labor per se or management per se but need their own kind of objective ombudsman. Will you please answer that?

Mr. WHITE. I think that time has come.

I would like to say this, it's the same old problem, it's a problem of economics. We have men in our local that make \$24,000 to \$25,000 a year. I know cases where men have not made over \$1,200 to \$1,700 dollars a year and they pay the same amount of dues. They pay the same amount of money but they can't get the work.

Mrs. CHISHOLM. Thank you.

Mr. HAWKINS. Mr. White, time doesn't permit us any greater number of questions, but your case, I think, is particularly one which we would like to follow through on and I am going to ask you to consult with our counsel, Mr. Hart, at the conclusion of the morning session. At that time you can give us some additional facts concerning your relationship with the Equal Employment Opportunity Commission and also whether or not the Office of Federal Contract Compliance has been involved. Will you have the time to do that?

Mr. WHITE. Yes, I will.

Mr. HAWKINS. If that is so, then I won't take up the time at this particular point asking additional questions.

I want to thank both you and Mr. White and Mr. Johnson for your excellent testimony. You have been very helpful to the committee. You have been most forthright and constructive in your suggestions.

Thank you.

Mr. HAWKINS. The next witness is Mr. Diablo. I don't have a first name.

FROM THE AUDIENCE: Brother Diablo.

Mr. HAWKINS. Brother Diablo, would you just identify yourself for the record, and introduce the other witnesses who are with you.

STATEMENT OF BROTHER DIABLO, CLEVELAND, OHIO; ACCOMPANIED BY SISTER JOYCE THOMAS AND SISTER CAROLYN DAY

Mr. DIABLO. My name is Brother Diablo, born a slave in America, United Snakes of America and I am here to testify on some of the reasons that have caused me to still think that I am a slave.

On my left is Sister Carolyn Day and on my right is Sister Joyce Thomas.

Mr. HAWKINS. Miss Day, Miss Thomas and Brother Diablo, we are glad to welcome you to the committee.

Mr. DIABLO. Thank you.

I have to apologize, I won't get a chance to holler at you like I would like to because I have a sinus headache. I believe it is a sinus headache, either that or the phony statistics I have heard today have given me one hell of a headache.

Number one, I want to deal with Xerox. Xerox is typical of the type of large business throughout America that has been forced to hire minority and poor people. Their reaction has been to hire black people only when the pressure is on and then, after the pressure is off, to systematically fire them or get rid of them as the case may go.

Here in Ohio, we have a very good case and I think people should know that the individuals who are fighting and have fought so hard are four courageous black women. We had a fellow on the radio not too long ago—an editorial—that asked "Where are the men?" And I tell you, I was about to ask the same damned question, "Where are the men?" These four sisters have fought this battle well. They went to the NAACP and the Urban League. I will not fool myself about why these organizations are not as effective as they could be because you and I both know that they get large contributions from these corporations which therefore sometimes preclude them from doing what is right.

Now I don't think we ought to let the Congress off either because I think everybody knows that if a man is seeking a \$45,000 a year job there is no way in hell he is going to spend a million and a half dollars for a campaign and I am supposed to be naive enough to think that he is going to bite the hand that fed him.

So with that, I am going to turn it over to Sister Joyce who will read you the specific charges against Xerox.

Miss THOMAS. The Cleveland regional distribution center of the Xerox Corp. is charged with racial discrimination by four black employees at subject facility.

During this hearing, however, I will also present evidence that discrimination exists both locally and nationwide.

In October of 1970, blacks were solicited for positions with Xerox due to ex-Mayor Carl Stokes' threat to cancel all city contracts until equal employment compliances were met. This is the basis for our first charge—discrimination in hiring practices. A mass interview was held on November 4, 1970. Approximately 20 black women were tested and interviewed from which four were hired. This is the basis for our second charge—discrimination in testing.

During this same period of time, advertisements had been placed in westside papers. None were placed in citywide papers or eastside papers. The white applicants hired from these advertisements were not tested.

From December 1970 to June 1971 there were quite a few incidents which occurred that had racial overtones the most significant of which were the segregated facilities.

In late February due to the move to a new facility, Xerox hired two temporary employees—one white and one black. The white employee was given the opportunity to fill out an application for

permanent employment. However, the black was not given this opportunity. Approximately 2 weeks after the black temporary employee was hired she was fired supposedly for coming in late 15 minutes. White temporary employees never received any type of discipline or dismissal for tardiness.

On March 16, 1972, a black walk-in applicant was tested and interviewed for a permanent position. The decision was changed and the employee was asked to sign up with a temporary employment agency because Xerox did not have the allocation to hire anyone as yet. That was the reason they supposedly did not hire this particular applicant; however, they did have allocation.

In February, March, and May, employment advertisements were placed in the Plain Dealer for positions in the Cleveland RDC. These ads failed to identify the company as an equal opportunity employer.

In March, a black employee was forced to resign because she requested time off to have an appendectomy.

In May of 1972 a black employee was passed over for promotion due to a supposed oversight of available employees for promotion. The same employee received a biased performance appraisal. Also in May, another black employee was given a biased performance appraisal. Since investigations were made, changes were made for both employees.

The mid-Atlantic region is comprised of the following cities: Baltimore, Cincinnati, Charleston, Cleveland, Akron, Youngstown, Columbus, Dayton, Fort Washington, Allentown, Harrisburg, to name a few. Black employees in the entire mid-Atlantic region have been discriminated against in the same manner as the four black women of the Cleveland RDC.

Some of the other things that have come up such as statements made by biased managers, we don't have documentation for; however, this is one such statement made by a manager to a black employee regarding her absence. The employee's father died and she was off 6 days. When she returned to work she was called into the office and asked why she was off 6 days. After she explained to this particular manager about the death of her father (of which he was well aware) the manager told her he could understand her being off 6 days if her husband had died but he couldn't understand it because of her father's death.

White employees are always given the benefit of the doubt. They are able to do things that black employees are never able to do, such as leave in the middle of the day and get counted for 8 hours of work.

Anytime the white employees have a problem with tardiness it seems to be an oversight, either it is not marked on their timecards or if it is marked managers okay it. But when it comes to a black employee the timecard has to be marked accurately. If it is not marked accurately black employees are questioned about improper marking of time cards.

I think that Carolyn Day will have quite a few comments to make on some of these things. There are a lot of things that happened that we can only respond to through allegations.

Miss DAY. Concerning promotions and the whole situation. We four black employees because of the way we were hired were shown discrimination.

We were interviewed in a mass interview and then were interviewed individually. We were tested at the time and then interviewed individually concerning how we felt about whites. Some of the questions asked during the interviews were, "Do you think you will be able to get along with whites if you work with whites." Such statements as, "These white girls are not used to blacks, and you will be going on the westside." "We are trying to hire people who we feel will fit into a particular type of situation." "Do you think you can handle this type of situation if you are hired for this job?"

After we got into the facility, we were asking the whites were they tested and how they did on their test. They asked us, "What type of testing are you speaking of? We were not tested."

We immediately found then that only blacks were tested. Their excuse to us was that at the time the whites were hired we didn't have anyone to do the testing. Joyce Thomas was not hired then. I then replied, "there was someone downtown to test us at Erieview Plaza, why weren't they taken down there and tested?" I have never received an answer to that particular question and the whites have never been tested.

Concerning promotions blacks are not promoted at Xerox. When we did file our suit at EEO we did it in a mass. There were only four of us but we did go 100 percent. We filed a class action suit and an individual suit. EEO did not react to us and so, therefore, we were forced into uniting with Black Unity House to help us. Conditions had become so bad that we could no longer tolerate it. We were even forced to put down 15 seconds late on a time card. Things had really gotten out of hand. On going to something about promotions. Promotion wide, I was in line for a promotion and was passed over and was asked to train a white girl from another department for the job. I was called in before the promotion was publicized and told that you are qualified, you have every reason to get it, but you are not going to get it. This was my only answer. They had no reason to give me, just. "You are not going to be promoted. The reason we called you in is that if you saw the memo that came out you would have hit the ceiling so we thought we would prepare you."

During that time and now, we have met with top management, from the vice-president of ISG on down concerning this. They suddenly looked at my appraisal, checked over it and said, "wow, this girl is in line for promotion, give it to her and maybe this will make them happy." We told them we didn't care for their tokens. We were interested in getting jobs for blacks.

This same condition exists throughout not only in Xerox here in Cleveland, but now that we have started our fight here against discrimination it has spread throughout the different Xerox offices: Pittsburgh, Philadelphia, Baltimore. We have communicated with some and they have told us of some of the conditions that they are under and asking that we all unite together and see if we can't make Xerox represent what it says, "an equal opportunity employer."

Mr. DIABLO. Another interesting side to this is just before this broke out, the EEOC had seven complaints of discrimination, racial discrimination at this facility and up until the time the sisters walked out and had a public press conference, no action had been taken by the EEOC nor by the Ohio Civil Rights Commission.

Now we are always told we should work within the system. I think you ought to understand one basic thing, the Ohio civil rights commission whatever they are supposed to be, they aren't worth a damn. In their examination they didn't find a damned thing wrong; however, after we put pressure on EEOC, suddenly the company has admitted to everything that the sisters have told you, and yet the civil rights commission couldn't find anything wrong.

The EEOC, I thought was on Xerox's payroll the way they have carried on. Up until this particular time there has not been one time where they have allowed these sisters to present their full demands. The company has tried to do things on its own to get these demands which caused the situation to be worse.

I was called in by—I don't know his name, the one with the picture of the rebel hat in his office, what is the party's name—

Miss DAY. Blair.

Mr. DIABLO. Blair, who is supposed to be a district manager or whatever, we talked about some of the things that he could do. He said he couldn't get his quota of blacks and he told me they had a bounty on blacks and on other minorities. I think they paid \$50 to \$75 to anyone who could bring in a black.

I have been informed that we have an 18 percent unemployment rate in the city which is not funny worth a damn to me because I am currently involved in trying to rehabilitate inmates and ex-addicts. We told the gentleman at that time that we had some Vietnam veterans coming back to this city with some of the same problems and that we would sit down with him and try to draw up a plan by which he could get some blacks without a bounty. I think once we told him about helping ex-addicts, ex-inmates and hard core unemployed, whatever the hell that is, I did not hear from the man anymore until this situation broke out.

I would like to make this point. Xerox had a chance to build in the inner city but they chose to go out near the airport. This eliminates most minorities who, for the most part, cannot live in Solon, Strongsville, or some of those other places because of the virtue of the patterns of housing. Minorities have to drive fantastic miles to get to these jobs. If they are caught in something like a flash storm and they are 15 minutes late, they are fired. The thing that really bugs me is the type of people they put in management positions to judge minorities ask the kind of question, "Do you blacks really want to work, or what is your problem, or, we can't find proper blacks, etc., etc."

Xerox tried to buy me too. I suddenly got calls in the middle of the day from people I had never heard of making statements such as, "We heard that you run a training program and that you wanted some assistance." This is the traditional approach to black organizations to get them off their backs. They will give us \$6,000 or \$7,000 or if we are lucky we might get \$100,000 to shut our damned mouths. In the meantime demands such as companies hiring black doctors, or using black public relations firms or black lawyers or in terms of training programs to deal with individuals who have a hard time getting jobs, goes neglected.

Mr. HAWKINS. Have you concluded, Mr. Diablo?

Mr. DIABLO. Yes, I have.

Mr. HAWKINS. I note that you have furnished the Subcommittee with documentation of your charges. Without objection they will be placed in the Subcommittee's permanent files. Mr. Landgrebe?

Mr. LANDGREBE. I don't think I have any questions. I think the statements have been made, they are documented.

Obviously these people went through the proper channels that are open to them and I think, Mr. Chairman, we should, I would recommend that we follow this case and find out where the breakdown was in getting response through the proper people who should be administering. As Congress-woman Chisholm said, where is the enforcement? If Xerox has broken the law and it's clear—I don't say it's clear that they have—but if they have broken the law, then here should be enforcement.

Mr. HAWKINS. Mr. Diablo, may the chair ask if at any time the Office of Federal Contract Compliance was involved? I am sure that Xerox is a federal contractor. Did you ever complain to the OFCC?

Mr. DIABLO. The only office that we have complained to at this particular time, was Congressman Stokes' office. We talked to some of the county legislators who, for whatever reason, were asleep again. We talked to some city officials and EEOC of course, and the Ohio Civil Rights Commission. Now, we will weigh the outcome of the report from EEOC, which we have no doubt will be another coverup. At that time, we will continue to deal with other so-called Federal Agencies that are set up to give us the same run around.

At this particular time, to answer the question, no.

Mr. HAWKINS. If Xerox is a contractor doing business with the Federal Government, sanctions can certainly be applied with only a minor amount of investigation based on documentation that has been built up. The sanctions may be cancellation or termination of contracts. I would assume that, based on the documentation that you offered, a speedy remedy certainly could be obtained. This, I think should also be explored and the committee will be very glad to assist in this direction. I offer this as a suggestion.

Mrs. Chisholm.

Mrs. CHISHOLM. I would like to just make one additional statement.

It would seem to me that in view of the testimony by the sisters and also I note for a fact, Xerox in Rochester, I am from the State of New York, and I know what has been going on there in that particular area. I think the time has come for this committee to initiate an investigation of Xerox plants throughout this country and receive substantiated materials. Any organization or any group that does have and can get Federal contracts from the Government, must now begin to move assertively and forthwith without any delay and I for one, I promise you that to the best of my ability, we are going to look into Xerox all over the country wherever it has plants.

Mr. HAWKINS. Certainly, this suggestion is accepted by the Chair. I assure you that it is within the purview of this committee. The Chair will take the suggestion of the gentlelady from New York as an order that this committee do investigate Xerox throughout the country and without any objection, that order will stand.

Mr. Stokes?

Mr. STOKES. Mr. Chairman, I notice in the diagram submitted in the materials submitted by the witness, that there is a diagram of

the office and one of the black sisters, evidently, has been conspicuously posted at the entrance to the room.

Will you tell us what she does?

Mr. DIABLO. Yes, I can. She is the executive secretary which makes her very hard to hire because she is the one that has to deal with the manager himself. But you know the old story of a spook by the door.

Mr. STOKES. Mr. Chairman, I concur with the fact that this committee is going to undertake to pursue this matter and highly commend the committee for that purpose.

Mr. HAWKINS. Thank you.

Mr. DIABLO. May I ask one question before we leave?

Mr. HAWKINS. Yes.

Mr. DIABLO. Currently, I am involved with a couple Federal programs that supposedly deal with rehabilitation of drug addicts, rehabilitation of ex-inmates and current inmates. Now, it seems to me if someone saw enough in these types of programs to spend anywhere from \$7 million, and I understand that impact cities spend \$20 million. I know that three-fourths of that will go to tanks and guns. But, the point that I am making is, why can't someone in the Federal level help us to get to the big business people because after all I have heard all the lies about contract compliance and how they are meeting goals. Remember, I am one of the people who chased an official of the Labor Compliance Department out of his office. In fact, we occupied his office for over an hour and a half before the Federal people put us out. We were asking for 4,000 jobs. Now I understand that they are going to 20. The point I am making is, there are resources. We can take an addict and help him rehabilitate himself. We can take an ex-inmate and show him the route. But, if we have to take these individuals and run through these processes and then turn them back into the same kind of bullshit environment they had at first, then we ain't doing a damn thing. So, the point that I am making is that the big companies like Xerox that put bounties on blacks, if they could take that bounty and collectively join hands with the Federal Government and try to establish job training programs by which they could hire some of these individuals who are coming back from Vietnam or out of penal institutions or being rehabilitated on the streets.

Thank you.

Mr. HAWKINS. I think Mr. Landgrebe would like to ask another question.

Mr. LANDGREBE. Mr. Diablo, you are quite an impressive gentleman. Would you mind identifying yourself other than Mr. Diablo. Do you represent some particular group or organization?

Mr. DIABLO. Yes I do, 35 million black folks.

Mr. HAWKINS. Is Mr. Elva Porter in the audience?

Mr. PORTER. Yes.

Mr. HAWKINS. Mr. Porter, we will hear from you next. We welcome you to the committee. Will you be seated, Mr. Porter.

STATEMENT OF ELVA A. PORTER, CLEVELAND, OHIO

Mr. PORTER. My name is Elva A. Porter, and I have a complaint against the U.S. Government marshals office here in Cleveland, Ohio.

I applied for a job approximately a year and a half ago down at Marshal Wagner's office. At this time he told me that he didn't have—

(Witness becoming emotionally upset.)

Mrs. CHISHOLM. Take your time. That's all right, take your time, brother. Go ahead.

Mr. PORTER. Any openings for U.S. deputy, special deputy for the U.S. marshals office. So, I kept checking a few more times. I found out that there were 17 openings for deputy U.S. marshals and none for special. So, again, I went down and talked to him—he told me that there wasn't any openings for U.S. Government special deputies at that particular time. And we talked about qualifications which were 2 years' experience as a policeman in the surface or in a city. So, there was no testing involved in it.

So, later on I found out he had hired a white truck driver with no experience, which I had experience.

Mrs. CHISHOLM. Brother, put the paper aside and talk from the heart.

Mr. PORTER. So anyway, I feel I should of had that particular job and after I talked to him about it, nothing became of it. So, that is about all.

Mr. HAWKINS. Well, thank you, Mr. Porter. I would like to remind you the U.S. Marshals Office is part of the Department of Justice, and the Department of Justice is supposed to be involved in the enforcement of the basic civil rights laws of the country. Certainly, any suggestion that they are not upholding the laws of the country is rather serious matter. And we welcome this complaint. We hope you will discuss it with the counsel of this committee and I am quite sure that the committee takes with great, serious concern, such complaints. Unless there is a real question at this point, I think that it's rather self-explanatory that it is a legitimate complaint.

Mrs. CHISHOLM. Yes; just one question.

Mr. HAWKINS. Yes; certainly, Mrs. Chisholm.

Mrs. CHISHOLM. Yes; I just want to make one statement: the brother had a little bit of difficulty in terms of getting information out and all of us understand very well what was going on there. I want the record to show and I want the people to know that he served as an air policeman while in the U.S. Air Force, and all he feels is that he should have an equal chance to serve as a civilian and Government employee and it's very hard for someone serving as an air policeman in the Air Force to see a truckdriver who had absolutely no qualification receive the job. I want that stated in the record.

Mr. HAWKINS. Mr. Landgrebe.

Mr. LANDGREBE. Well, having been a truckdriver myself, for a good number of years, I will have to make it clear that truckdrivers do have some qualifications but not necessarily as U.S. marshals. It is interesting that there would be 17 openings available at one time. These are considered to be political plums and I think that statement alone would bear some investigation. I don't know who is doing the work if they had that many openings.

One thing, Mr. Porter, it's too bad you didn't get the job because in the last hours of the Congress, we gave the assistant U.S. marshals about, something like a 50-percent pay raise.

Mr. HAWKINS. Well, we do want to state that U.S. marshal is not supposed to be a political appointment.

Thank you very much, Mr. Porter.

Without objection, the prepared statement of Mr. Porter will be inserted in the record at this point.

STATEMENT OF ELVA A. PORTER, CLEVELAND, OHIO

Approximately one and one-half years ago, I applied for a position as U.S. Marshal. The person I talked to told me there were seventeen openings available. Several times I went down to inquire about the openings. Each time I got a different story or the run around. At one of these meetings he told me I had to quit my present job, but he never made anybody else quit theirs.

Recently, I learned that they had hired a truck driver for position of U.S. Marshal with no qualifications as they were explained to me. You had to have served time being a policeman or government time being a policeman. The truck driver had neither.

The reason I feel I am being discriminated against is that another guy with less qualification than me got the job as a U.S. Marshal.

I had served as an air policeman while in the U.S. Air Force. I feel that I should have an equal chance to serve as a civilian in government employment.

Mr. HAWKINS. Is Mr. Dailey in the audience?

Mr. DAILEY. Yes.

Mr. HAWKINS. May we hear from you at this time?

Mr. DAILEY. Yes.

Mr. HAWKINS. Your statement and your résumé will be printed in their entirety in the record at this point, Mr. Dailey, and we would appreciate if you could summarize it orally and I am quite sure that will give the committee an opportunity to question you.

STATEMENT OF EARL E. DAILEY, CLEVELAND, OHIO

Mr. DAILEY. Thank you very much. Members of the committee, I would like to read a brief statement to you concerning my problems with discrimination in employment at Addressograph Multigraph.

Mr. HAWKINS. You may proceed.

Mr. DAILEY. My name is Earl E. Dailey. I was born in Chicago, Ill., and received the B.A. and M.A. degrees in chemistry from Fisk University in Nashville, Tenn. I have several publications and patents in the field of chemistry.

Previous to my employment at Addressograph Multigraph, I was employed as a research and development chemist at the Soya Products Division of the Glidden Co. for 2 years in Chicago, Ill., the Julian Laboratories, Inc., for 5 years in Franklin Park, Ill., and Intermediates, Inc., in Joliet, Ill., for 5 years.

I began work at the Charles Bruning Division of Addressograph Multigraph in Mount Prospect, Ill., on June 8, 1964, as an organic chemist. I was promoted to group leader of organic synthesis in April 1965. In June 1965, I was requested to sign an employment contract which prohibited my working with competitors of AM for a period of 2 years after leaving the employment of AM. In return, I would be compensated for the 2-year period while looking for comparable employment.

In the next several years my group was expanded to include polymer synthesis and in June 1968, I was promoted to senior group leader of organic and polymer synthesis.

On July 2, 1971, I was informed of my transfer along with 21 other people from the Charles Bruning Division of AM in Mount Prospect, Ill., to the newly formed research center for several divisions of AM in Warrensville Heights, Ohio.

On July 7, 1971, the group being transferred met with the new director of the research center and were told by him that no transferees would be demoted.

We reported to work on July 20, 1971, in Warrensville Heights, Ohio, and were told that we would be informed of the organization of the laboratories as soon as it was completed. I knew something was wrong at this time because two caucasians, who had been senior group leaders as I had been, were in on the organizational meetings and I had not been invited to attend.

I then looked for employment in the Chicago area, and was soon offered a position in management at a higher salary at DeSoto Chemical Co., in Des Plaines, Ill.

About the middle of August, we were informed of the official organization of the laboratories. The two caucasian senior group leaders were promoted to manager in the supplies department. I was demoted from management even though more of the people that had been transferred had reported to me than to the other senior group leaders. Work done in my laboratory was "the foundation for the most important project in the research laboratories." I then asked to talk to the director of the laboratories and brought to his attention my demotion and what my previous position had been and I objected to this treatment. I said: "I have a job offer in the Chicago area and if the company does not want to use my expertise to the fullest, the other company would like to hire me, but only if I could be released from my employment contract." The director stated that he had not been aware of my status and qualifications and he felt that something should and would be done to satisfy me at Addressograph Multigraph.

For the next 2 months I was given the runaround and on October 22, 1971, the director informed me that there would be no change in my present status and that no management positions were open to me in the laboratories. At this time, there were many vacancies including management vacancies to be filled and an extensive recruiting program was in effect.

On October 15, 1971, I filed charges of unlawful employment practices in violation of title VII of the Civil Rights Act of 1964, against AM—Graphics Products Laboratory.

On March 8, 1972, I was informed by the director of the laboratories that I had, along with several others, until March 15, 1972, to sign a new AM employment agreement or be fired on that date—the new agreement called for not working for a competitor for 1 year and no compensation. I refused to sign the new agreement and I have since been unemployed.

On October 5, 1972, I called the Cleveland office of Equal Employment Opportunity Commission, in regard to the status of my charges—1 year old—and I was informed that no estimate or approximate time could be given to me when the investigation of the charges would begin and there were cases much older which have not been investigated.

Thank you very much.

Mr. HAWKINS. Thank you Mr. Dailey. I think this is what the committee is finding, an extreme lag in the processing of these cases. I think yours is typical. That is no consolation to you but I think it is

certainly a strong indictment of the manner in which Federal agencies are handling these cases.

Mr. Stokes, do you have any questions?

Mr. STOKES. No questions.

Mr. HAWKINS. Mr. Landgrebe, Mrs. Chisholm?

Mr. LANDGREBE. No.

Mrs. CHISHOLM. No questions.

Mr. HAWKINS. May the Chair ask you this, Mr. Dailey?

Mr. DAILEY. Surely.

Mr. HAWKINS. I think you are aware that you can pursue the case on your own under the new amendments to the Equal Employment Act. You are in a position to file suit on your own, Mr. Dailey. I don't know whether you wish to pursue that—

Mr. DAILEY. I am waiting for a report from the Ohio Civil Rights Commission and the EEOC, before going forward. I have hired an attorney.

Mr. HAWKINS. I see. Also, do you know whether or not the company with which you have been negotiating has Government contracts?

Mr. DAILEY. I was told that the reasons Addressograph Multi-graph wanted us to sign a new employee agreement was that because they were seeking Government contracts and that they wanted all the employees to have these agreements.

Incidentally, the employee agreement that I had at first, contract, the one I had at first was a contract that was given only to a few employees; I think something like 24 employees in the whole corporation out of 20,000 had these contracts. And the corporation just decided to do away with these contracts and to have the people sign new employee agreements.

Mr. HAWKINS. Are they in the process of negotiating for contracts or do they already have the contracts?

Mr. DAILEY. I do not know for sure.

Mr. HAWKINS. The committee will ascertain whether they do or not. If they are negotiating for a contract, we will certainly file a complaint that this original complaint against them is pending and that in awarding of contracts this be taken into consideration. If they already have a contract, we will advise the Office of Federal Contract Compliance that this complaint is existing and ask them, in view of this complaint, whether or not they have taken any steps to monitor or to investigate the company. We can certainly advise you that the committee is in a position to take this action, and we will not hesitate to do so.

Mr. DAILEY. They are not—I did not have the only complaint against the corporation.

Mr. HAWKINS. We would appreciate, if there are other complaints, that we be furnished with that information. Thank you very much.

The committee will take a recess until 1:45 p.m. this afternoon.

AFTERNOON SESSION

Mr. HAWKINS. Ladies and gentlemen, this hearing will come to order.

The next witnesses will be Mr. Powell and Mr. Prease. Will you be seated at the table, Mr. Powell and Mr. Prease. Would you identify yourselves for the record please?

STATEMENT OF HERBERT L. POWELL, LABOR RELATIONS DIRECTOR, LOCAL 604, NATIONAL ALLIANCE OF POSTAL AND FEDERAL EMPLOYEES; ACCOMPANIED BY JAMES C. PREASE, EMPLOYEE, MAIN POST OFFICE, CLEVELAND

Mr. POWELL. I am Herbert L. Powell.

Mr. Chairman and members of the General Labor Subcommittee on Job Discrimination, I am Herbert L. Powell, labor relations director, Cleveland, Ohio, local 604, National Alliance of Postal and Federal Employees. I deem this an honor and privilege to have the opportunity to appear before this committee and present certain pertinent facts with reference to discriminatory employment practices, particularly, in the Cleveland, Ohio Post Office.

The overall complement of the Cleveland, Ohio Post Office is approximately 8,000 employees, and blacks comprise 49 percent of this figure. Black employees are heavily concentrated in the lower pay levels, as indicated in the figures of the complement breakdown.

At this point, it must be recognized, the number of promotions that blacks have received, level 8 and above, are not representative of the total black complement.

These figures in no way reflect an affirmative program of equal employment opportunity in the Cleveland Post Office; nor the essence of "upward mobility," as prescribed by the Civil Service Commission. On the other hand, it is becoming increasingly apparent that the officials of the Cleveland Post Office are completely adamant to the mandates of equal employment opportunity, and their alleged commitment to the program has had a very hollow meaning. For an example, there are a pitiful few complaints being resolved at the counseling stage, in view of the fact, that there is a decided increase in the number of cases filed. Then too, there is a predetermination being made by management officials, far too often, that many of the cases are not equal employment opportunity complaints. This, standing alone, is contrary to the mandates set forth in Equal Employment Opportunity provisions of part 713, Federal Personnel Manual, which in effect states—"when it appears that a complaint does not bear the appearance of having been motivated by any of the five criteria—it must be stamped out to prevent it from erupting into a formal complaint." Moreover, one of the cardinal principles of solving complaints and grievances by a management official, is to recognize the cause of complaint and effectuate a remedy, to relieve the effect.

We have a new postmaster in Cleveland, who espouses Equal Employment Opportunity, and he has stated that he is totally committed. Also, he has stated—"to him the program began in Philadelphia, some one hundred and ninety-six years ago." To this I agree, but I have to admit that the implementation of the program is just as slow in becoming a reality now, as it has been in the years following 1776.

Now, I shall cite some specific instances of discrimination perpetrated against black employees that we are currently seeking a remedy:

A black female employee was injured on duty while carrying mail in 1967. Action was brought against her in 1969, because she was unable to work and she was separated on a "Separation—Disability"

charge. Upon an appeal to the Board of Appeals and Review, Post Office Department, the Board declared that the action was erroneous, and ordered her retroactively restored to duty February 11, 1970. To date, she has not received her retroactive pay.

A black female employee assigned to mailing requirements, worked in a higher level pay status for 32 months, trained another employee in all aspects of the unit's operation, and when a vacancy in the unit occurred and which she submitted a bid, the vacancy was awarded to the employee she had trained.

A black male employee, superintendent of building maintenance, was detailed to the position of superintendent of building service for over 14 months. He was taken from the detail and placed as foreman, maintenance control. His former detail assignment was given to a female caucasian. Upon seeking an audience with the postmaster to discuss the change in assignment, the postmaster refused to discuss the issue with him.

Another black female filed a complaint of discrimination that progressed through the processes of the Civil Service Commission. The Commission's examiner found that she was "highly qualified" and recommended that she be given the next vacancy in the unit. When a vacancy occurred, she submitted a bid, but the vacancy was awarded to a former carrier, who was on light duty, and who was never officially assigned to the unit.

Then there is a case of a black foreman promoted to foreman of mails in 1953, who has more tenure in his position than anyone who has gone around him had in total service. He has been drawing higher level pay for many years. He is knowledgeable of mail processing, very understanding and respected by employees, but has not advanced beyond his initial promotion.

In addition, several members of the promotion advisory board have been found guilty of discriminating by the Civil Service Commission on two separate occasions.

Also, black supervisors were ignored in the appointment of "vertical managers" in the new structure of post office management.

On the other side of this picture, in the area of adverse actions, black employees always suffer the most extreme penalties. They draw the heaviest suspensions, and are being removed at an alarming rate.

Finally, I would like to call to the attention of this committee that the Discrimination in Age Act of 1967 has a stipulation excepting the U.S. Government and its agencies from coverage. Therefore, I recommend that that portion of the law be amended to eliminate another area that will give rise to possible discrimination complaints.

This concludes my presentation.

Mr. HAWKINS. Thank you Mr. Powell.

Without objection, at this point Mr. Powell's prepared statement will be inserted in the record.

STATEMENT OF HERBERT L. POWELL, LABOR RELATIONS DIRECTOR, CLEVELAND, OHIO, LOCAL 604, NATIONAL ALLIANCE OF POSTAL AND FEDERAL EMPLOYEES

Honorable Louis Stokes and members of the subcommittee on discrimination in employment, I am Herbert L. Powell, Labor Relations Director, Cleveland, Ohio, Local 604, National Alliance of Postal and Federal Employees. I deem this an honor and privilege to have the opportunity to appear before you and present certain pertinent facts with reference to discriminatory practices, particularly, in the Cleveland, Ohio, Post Office.

The overall complement of the Cleveland Post Office is approximately 8000 employees, and blacks comprise forty-nine percent of this figure. The blacks are concentrated in the lower pay levels as indicated below:

Level	Blacks		Caucasian		Other
	Male	Female	Male	Female	
1	17	7	2	1	None
2	19	17	2	None	None
3	81	None	18	None	1
4	537	38	217	None	6
5	1,752	991	2,934	403	6
6	167	90	184	18	None
7	22	5	15	2	None
8	81	5	161	6	1
9	12	None	48	None	None
10	16	None	52	None	None
11	4	None	32	None	None
12	2	None	14	None	None
13	2	2	7	None	None
14	3	None	6	None	None
15	1	None	3	None	None
16	1	None	None	None	None
17	None	None	2	None	None

The above figures in no way reflect an affirmative program of Equal Employment Opportunity in the Cleveland, Ohio Post Office; nor the essence of "upward mobility" prescribed by the Civil Service Commission. In fact, it is becoming increasingly apparent that the officials of the Cleveland Post Office are completely adamant to the mandates of Equal Employment Opportunity, and their alleged commitment to the program, has had a very hollow meaning. For an example, there are a pitiful few complaints being resolved at the counseling stage, in view of the fact that there is a decided increase in the number of cases filed. Then too, there is a predetermination being made by management officials, far too often, that many of the cases are not Equal Employment Opportunity complaints. This, standing alone, is contrary to the mandates set forth in the Equal Employment Opportunity provisions of Part 713 Federal Personnel Manual which in essence states—when it appears that a complaint does not bear the appearance of having been motivated by any of the five criteria—it must be stamped out. Moreover, one of the cardinal principles of solving complaints and grievances by a management official, is to recognize the cause of complaint and effectuate a remedy, to relieve the effect.

We have a new Postmaster in Cleveland, who espouses Equal Employment Opportunity, and he has stated that he is totally committed. Also, he has stated "to him the program began in Philadelphia some one hundred and ninety-six years ago". To this, I agree, but I have to admit that the implementation of the program is just as slow in becoming a reality now, as it has been in the years following 1776.

Now, I shall cite some specific instances of discrimination perpetrated against black employees that we are currently seeking a remedy:

A black female employee was injured on duty while carrying mail in 1967. Action was brought against her in 1969 because she was unable to work and she was separated on a "separation-disability" charge. Upon an appeal to the Board of Appeals and Review, Post Office Department, the Board declared that the action was erroneous, and ordered her retroactively restored to duty February 11, 1970. To date, she has not received her retroactive pay.

Black female employee assigned to mailing requirements, worked in a higher level pay status for thirty-two months, trained another employee in all aspects of the unit's operation, and when a vacancy in the unit occurred in which she submitted a bid, the vacancy was awarded to the employee she had trained.

A black male employee, Superintendent of Building Maintenance, was detailed to the position of Superintendent of Building Service for over fourteen months. He was taken from the detail and placed as Foreman Maintenance Control. His former detail assignment was given to a female caucasian. Upon seeking an audience with the Postmaster to discuss the change in assignment, the Postmaster refused to discuss the issue with him.

Another black female filed a complaint of discrimination that progressed through the processes of the Civil Service Commission. The Commission's Examiner found that she was "highly qualified" and recommended that she be given

the next vacancy in the unit. When a vacancy occurred, she submitted a bid, but the vacancy was awarded to a former carrier, who was on light duty, and who was never officially assigned to the unit.

Mr. PREASE. Mr. Chairman, members of the committee:

I am employed at the main post office, Cleveland, Ohio, as an accounting clerk in the office of finance. I wish to bring to your attention that the equal opportunity promotional policy is not being followed here in this office.

I attended college for 2 years. I successfully completed a course and served as a statistician with civilians while in the U.S. Air Force. I received a diploma in accounting from Griswold Institute in Cleveland. Presently, I am taking the International Accounts Society, Inc., correspondence course which is being paid for by the U.S. Postal Service.

From June 21, 1969, until February 7, 1971, a period of over 19 months, I served as an acting supervisor in the position of accounting assistant. I assumed all responsibilities and duties related to this position. I also trained employees and set up new procedures that were required for the Postal Source Data System, which is an electronic system of timekeeping.

On February 8, 1971, a white clerk from one of the branch offices was appointed to the position of accounting assistant. No consideration was given to his lack of experience, knowledge of the job, ability or educational background. In November 1971, this clerk was promoted again, and I was asked to assume the duties of accounting assistant once again.

In April 1972, a white supervisor from another unit was brought in to fill the position on a temporary assignment. Since I have been recommended for the position, it is evident that this is one of the unfair practices that is being used to assign a less qualified employee to a position. As in the past, after a period of time, the reason for assigning him permanently will be that he has a higher level position and has acquired experience on the job, although I am relied on for training and other procedures of the job.

I was advised that because I did not pass the supervisor's examination, an exam which is not relevant to the duties of accounting assistant, I was not eligible for the job, although at the same time I did pass the accounting exam, which is relevant to the duties of an accounting assistant.

I question the legality of the supervisor examination, which deals strictly with mail processing, which they said disqualified me for promotion as an accounting assistant.

The Supreme Court ruled that no examination shall be given for a promotion unless it applies to the position for which the examination is given. I maintain that in no way did this examination relate to the position of an accounting assistant.

These are the facts that I based my complaint on. Thank you for any help or consideration you may be able to give.

Mr. HAWKINS. Thank you, Mr. Powell and Mr. Prease.

Mr. Prease, in your particular case, may I ask whether or not you filed a complaint either with the Postal Service or the Civil Service Commission?

Mr. PREASE. No. I haven't.

Mr. HAWKINS. Any reason why not?

Mr. PREASE. I went to the EEO counselor. I did have audience with the new postmaster.

Mr. HAWKINS. You have not filed a complaint with either the Postal Service or the Civil Service Commission?

Mr. PREASE. No, I haven't.

Mr. POWELL. Mr. Chairman, if I may, I would like to explain something at this point.

The first step in filing an EEO complaint is to make a visit with the counselor. Once he has concluded with his interview and counseling, then he will advise you of the next step and I believe Mr. Prease stated he has made a visit to the counselor.

Mr. HAWKINS. I see, thank you. Mr. Stokes?

Mr. STOKES. I would just like to say for the benefit of the members of the subcommittee conducting this hearing, during the 4 years I have been in Congress, our congressional office has been deluged with complaints involving discrimination in the Cleveland Post Office. We have never had satisfactory compliance with those complaints, and it has become even more cumbersome after the enactment of the Postal Reorganization Act which we passed in Congress last year. Because, as a result of that particular act, the present administration has made the determination, under the act, that Congressmen have no right to interfere in the inner workings of the Postal Service and Congressmen are now relegated under that act, as interpreted under the present administration, in the same capacity as those who are not in public service. That is, we are required to send a letter to the central office in Washington, in which we complain of the kind of treatment being given this particular person and then at that high level, someone will get back to us and make some kind of interpretation. We are prohibited under the act from having immediate contact with those who are in the Postal Service in that area and have imposed this kind of treatment on the people working in it.

Mr. HAWKINS. Mr. Prease's case, I am advised, is based on the assertion that the test did not apply to the requirements of the job itself. I am further advised that this test was probably developed by the Civil Service Commission. The Commission never acknowledged the Supreme Court decision in *Griggs v. Duke Power Co.* They are still applying testing procedures which have been declared unconstitutional by the Supreme Court.

I am wondering whether or not the committee can attack this type of case in that manner, in that your complaint is that the testing procedure was discriminatory. Am I correct?

Mr. PREASE. That is correct.

Mr. HAWKINS. I would like counsel to advise us in this particular instance as to procedure in a case of this nature.

Mr. Hart, would you advise the committee?

(Short pause due to conversation between chairman and counsel for the subcommittee.)

Mr. HAWKINS. I am advised that the procedure in your case is to file the action with the Civil Service Commission and if you do not get satisfaction there, to take it into Federal court. Of course, both the Commission and the court would be bound by the Supreme Court's *Griggs* decision.

I would think, therefore, that the only recommendation we would have in your particular case, as far as any individual action is con-

cerned, is to file with the Civil Service Commission. The committee will be very glad to assist you. I think all of us should recognize that the Equal Employment Opportunity Commission is approximately 2 years behind in their cases in most regions. In only a few regions are they anywhere near up-to-date. We think this is a most unfortunate situation. The committee has attempted to speed up the procedures. We have strengthened the law. We have provided additional money to the Commission. I would doubt, however, that the backlog is going to be reduced very much, at least under the present appropriation, which unfortunately is still not adequate. It gets back, I suppose, to the question of whether we are going to use the EEOC to satisfy most of the complainants or whether we are going to have to lean more heavily on other agencies where the sanctions can be invoked much earlier. That is why we have tried to advise all the individuals who have complaints with those units who are doing business with the Federal Government to apply to the Office of Federal Contract Compliance. These cases can be handled much more expeditiously than the EEOC cases.

The committee is not unmindful, however, that the EEOC is in existence and that these claims are being made and what we are trying very hard to do is to speed up the process there. Also, we are trying to get the Equal Employment Opportunity Commission to undertake investigations emphasizing class action suits so that it won't be necessary for every individual to go through the same procedure. These are just some of the things we are trying to do.

I want to express the appreciation of the committee for the cases that we have heard today. Individual cases give us an opportunity to establish a pattern of discrimination in certain industries and unions and in certain areas. In our hearings in Washington, which will conclude this series, we will use this documentation from Cleveland, Chicago, and Los Angeles and elsewhere for constructing questions for Federal officials. Such cases certainly will be of valuable assistance to us.

Mr. Stokes?

Mr. STOKES. Mr. Prease, I'm advised by counsel for the committee that in your case, as well as in the submission of all testimony, those who have actually testified and others who have just submitted their statements to us, that our staff will be going through each of those individual cases in conjunction with counsel for the committee and we will follow through with each one of them.

Mr. HAWKINS. Thank you Mr. Stokes.

Mr. PREASE. Mr. Chairman.

Mr. HAWKINS. Yes, Mr. Prease.

Mr. PREASE. I would like to say, I think this is just another loophole and reason to eliminate black employees for promotions. The reason I say that, I have information that I have just acquired, I have a copy of the requirements for the accounting assistants and it states in here; for applicants presently serving in this position, the supervisory test requirement may be waived when a supervisory's ability and potential otherwise have been demonstrated.

It also states that I was only supposed to pass the written part of the examination.

I haven't been able to find out what part I failed if I failed at all.

Mr. HAWKINS. Mrs. Chisholm?

Mrs. CHISHOLM. Two questions.

First of all, is it the feeling of you gentlemen that since the Postal Reorganization Act has been passed, that a greater adversity is being suffered by the black persons in the post office department? I would like to get a comment on that.

Mr. POWELL. If I may, I would like to answer the Congresswoman.

This is true. There has been a decided increase in the number of complaints filed. Because, under the new postal service these new managers have the idea that they can do what they want to. I contend that they can do up to and within the confines of the law. But, this doesn't always work that way. They feel this, on the supervisory level, we can go around an employee, choose whoever we want to choose, without notifying the employee that we have gone around him. And this is the type of problem that Mr. Prease has encountered.

Mrs. CHISHOLM. Second, it seems a little bit inconsistent and contradictory that, in view of the fact that so many black men in this country, when they came out of the universities in the 1930's and early 1940's, ended in one of two positions, either ended up in the Postal Service of this country or they became red caps in a lot of railroad stations because the other positions were not open to them in this society. And to say at this juncture in terms of the breakdown I was very much interested in the statistics, to see the blatant discrimination in terms of promotion and in terms of advancement when men have been working in the Post Office for 20, 25, and 30 years, is only a very, very clear indication of rampant, blatant, discrimination in the whole postal system in this country. The reason I ask you whether or not you felt that the adversities were greater since the Postal Reorganization Act was passed recently, is because if necessary, we might really have to go back again and look at that act right from its very beginning.

Mr. POWELL. I truly believe so.

Mr. HAWKINS. Mr. Landgrebe?

Mr. LANDGREBE. I think you have covered it very well, I have no questions.

Mr. HAWKINS. Thank you then Mr. Prease and Mr. Powell.

Mr. POWELL. Thank you, Mr. Chairman, for allowing us to appear.

Mr. HAWKINS. You know our counsel, Mr. Hart, and you can give him any additional information that you may desire, related to the hearing.

The next witness is Mr. John Cole. Is Mr. Cole in the audience?

Mr. COLE. Yes.

Mr. HAWKINS. Mr. Cole, will you identify yourself for the record please?

STATEMENT OF JOHN L. COLE, FORMER CONTRACT COMPLIANCE OFFICER, CITY OF CLEVELAND

Mr. COLE. Mr. Chairman, members of the committee, my name is John L. Cole. I am former contract compliance officer for the city of Cleveland.

Mr. Chairman, I have served in the capacity of contract compliance officer for the city of Cleveland for a period of 2½ years, since the inception of this law.

Prior to that, I was on the staff of the Urban Renewal Department in the city of Cleveland and one of my related duties was to implement the dictates of Executive Order 11246, as they apply to the agency of Department of Housing and Urban Development.

This law came into being under the Stokes administration, at which time Mayor Stokes demonstrated that he had a sincere obligation to see that the laws of the city and this country were implemented and saw to it that I lived up to my responsibilities. No equal employment law or affirmative action program is worth the paper it is written on if the chief exec does not live up to the responsibility of the law.

After the Stokes administration, we experienced something different. In dealing with the laws of the city of Cleveland and also the Federal Government and I sat back with no alternative but to watch Federal and municipal laws be flaunted by a director of finance who is custodian of funds for all the people of the city. In all probability he is sanctioned by the chief executive, because he was allowed to do these things.

I have here in front of me some documentation which will witness, evidence the fact that the finance director of this city has taken it upon his own, to reduce the implementation of this law and take away from the contract compliance section, the authority to make these recommendations and let them rest with the buyers to deal with the lowest and best situation of the companies submitting bids to the city, to this city. In many instances, when a black entrepreneur, submitted a successful bid to the city, all bids were found to be invalid and the situations were sent out to be rebid, to secure goods and services for this city. And at the same time, the city has constantly been the recipient of Federal funds without an equal employment opportunity program being implemented.

We know that the Office of Federal Contract Compliance is understaffed and the Equal Employment Opportunity Commission here is deluged with a backlog of cases. It's almost impossible to have anything done immediately, to keep the city running with the Federal funds that are so vitally needed to keep the city in operation. I plan on leaving this data with the committee which will point out to them, for the minimal sum of money, in going to a responsive bidder, to supply goods and services to the city, these laws have been flaunted. There is a Supreme Court decision that makes it crystal clear that the term "lowest and best" addresses itself to two situations:

One situation deals with money and the other situation deals with whether or not a firm is living up to the general conditions and specifications of contractual documents.

I have seen an excess of \$6,000 expended by the city recently, prior to my departure, for companies just based on the age of equipment. But, when we start dealing with people, it's another situation. When we look at the equipment situation and find that a firm is in a position to present a performance bond to secure contractual relationships with the city, and still, this isn't even taken into consideration. Until such times that Federal agencies as well as cities, begin to recognize the top position of the population of these metropolitan areas in this country, and deal with that statistic, we are not going to have equal employment opportunities, in fact. As long as we look at the overall composition of this country, and not take into consideration that Federal funds are being spent in some cities that don't even have minorities within

the cities, we are not going to have adequate and meaningful minority participation in this country.

To name the cities, and let's start with Cleveland, Newark, N.J., my city of Atlanta, anyone of them, none of them have a composition, a population or work force that addresses itself to the country as a whole. And there is no place written, out of the Federal Government, that deals with this type situation so that there will be equal employment opportunities in fact. I think it has to change on these local levels when none of these laws have any meanings.

The minority people are not hard to find when the time comes for them to participate in any of the tax duplicates that City, States, and counties exist from, as well as the Federal Government. When time for draft laws to become implemented, the minority youth is not hard to find. But, when we start talking about finding them to participate in the job market, then they are not available, regardless of what the composition of the population is.

I have always viewed equal employment opportunities as something to benefit any geographic area, as a whole. That is, the white as well as the nonwhite resident of an area. I haven't heard, during my 5½ years in this type involvement, the media for the populus, or the governing individuals of a community, deal with why the penal institutions don't reflect the composition of a city. They are all overcrowded with minority people and I don't have to deal with the reasons, I think that everybody in this room knows what the reasons are that these things take place.

But, at the same time, it's the same people that have to pay to support these institutions that have to house these people. We look at all of these veterans coming back from Vietnam today, which have been conditioned to enter combat, however, upon return, they are not rehabilitated to enter into the society that we have to participate in today. And I think this all involves equal opportunity and not just to have it confined to employment. That is just a part of it. I think that if this committee did not recognize these type situations we would be remissed in what we are spending our time for today.

I thank you very much.

Mr. HAWKINS. Thank you Mr. Cole. I think your testimony as a person who has had actual experience as a contract compliance officer is most gratifying to this committee and I would thank you for the sacrifice which you have made in coming to this hearing, from Atlanta to Cleveland. We hope that the committee itself comes to Atlanta. We may be able to have your testimony again and additional documentation.

The documents that you referred to will be entered into the record in their entirety, at this point.

Mr. Landgrebe, any questions?

Mr. LANDGREBE. No questions.

Mr. HAWKINS. Mrs. Chisholm?

Mrs. CHISHOLM. No more questions.

Mr. HAWKINS. Mr. Stokes?

Mr. STOKES. Just one statement.

I don't have any question, Mr. Chairman, but I do think that members of this subcommittee and members of this community who are in attendance here today, ought to realize that Mr. John Cole did come all the way back from Atlanta at our request and we requested

his attendance here because, I think Atlanta's gain is Cleveland's loss in this case.

Mr. STOKES. Members of the subcommittee, you would have to have lived in Cleveland to realize the kind of dedication that this man had. I know of no public official anywhere in the Nation who has the kind of integrity that he had in devotion to his job and we just want to thank him for his coming here today.

Mr. HAWKINS. Thank you Mr. Stokes. May the Chair add something at this point. I think it will set in prospective the hearing here in Cleveland. Before we departed from Washington for this series of hearings, we did discuss with high officials of the Department of Labor the nature of the hearings, and what we hoped to accomplish in them. We solicited their participation and support.

They gave us strong commitments that they would have individuals here present to testify in the field, in connection with their areas of jurisdiction.

I don't know whether a representative of the Department of Labor is here. No one has identified himself as such. Is there any such representative present?

I didn't think there would be, because this seems to be the pattern. We sought their assistance and cooperation and their offered testimony and also an explanation of some of the things that have been said about the Department. I think it is most appalling that we have an agency of the Federal Government as supported by all the people, that cares so little about those people that it will not even be represented at a hearing which is designed to help carry America forward without any unusual circumstances and to benefit all its people. I think this is in sharp contrast to Mr. Cole, who, at his own expense and sacrifice, has come all the way from Atlanta to Cleveland to testify. I want to add a word of thanks to you Mr. Cole, in addition to what Mr. Stokes has already said.

Mr. COLE. Thank you.

At this point let me note that material submitted by Mr. Cole concerning the diminished enforcement of the Cleveland contract compliance program will become a part of the subcommittee's permanent files.

Mr. HAWKINS. The next witness is Mr. James Stallings. Is Mr. James Stallings present?

Mr. Stallings, your statement will be entered into the record. You may testify from it, summarize or just present testimony however you desire.

STATEMENT OF JAMES STALLINGS, EXECUTIVE SECRETARY, CLEVELAND BRANCH, NAACP

Mr. STALLINGS. Thank you, Mr. Chairman.

My name is James Stallings and I am executive secretary for the Cleveland branch of the NAACP, whose office is located at 8409 Cedar Avenue in Cleveland. I wish to present testimony on patterns of racial discrimination in the Cleveland Police Department and also make recommendations for the elimination of such patterns.

Good law enforcement is of great importance in our Nation's activity. The rising crime rates in the metropolitan areas of this country, has made our citizenry keenly aware of the need for com-

petent and effective law enforcement. So great is this need that the Federal Government has set aside massive sums of money to improve the quality of protective agencies. As documented by numerous reports, the solutions to the growing problem will require innovative techniques and sensitive approaches as well as an alert citizenry.

Despite the vast amount of funds spent to increase the number of protective units and despite the fact that under the law enforcement assistant act, the Department of Justice is authorized to make grants for the recruiting of law enforcement personnel and the training of personnel in law enforcement, blacks and other minority groups are grossly under represented in police departments across this country.

Effective law enforcement is of unique importance to persons living in the minority community. You have three reasons listed there why we feel it is important. We will skip over those.

Let me just say that the failure of law enforcement, the failure of the enforcing of laws prohibiting racial discrimination in this country, is one of the great contemporary tragedies of American life. The comment of Theodore Hesburgh, the chairman of the Civil Rights Commission, is appropriate when he says that, "unless we get serious about this, the country will be on a collision course with everything opposite what the Constitution stands for."

The record of racial discrimination in the Cleveland Police Department stands as a classic example of the wholesale failure to enforce the laws prohibiting such discrimination.

Discrimination with the police department in Cleveland has not served to enhance law enforcement but it has served to undermine it and produce a general attitude of contempt, cynicism, disrespect, and mistrust in the minds of many citizens.

For years, community organizations have tried numerous ways to increase minority representation on the Cleveland Police Department. We have met, useless to say, with little success.

In our city, high public officials are calling upon the entire community to observe law and order. The citizens of the minority community have noted this with great irony, for the same public officials who piously proclaim law and order, are the same public officials who refuse to enforce laws protecting the civil rights minority citizens against discrimination and employment. Failure to enforce such laws by public officials makes a mockery of the law and breeds contempt for it. Such persons are, at the very least, as guilty of breaking the law as those who throw fire bombs from street corners.

The history of the blacks in the Cleveland Police Department is a history of racial discrimination. Prior to 1967, there were fewer than 75 blacks in the Cleveland Police Department.

Prior to 1967, a written examination for the patrolmen was simply the Ohio drivers code.

In 1968, the Civil Service Commission instituted the present system of testing applicants. The present system includes a written examination, background examination, the psychology test, and the polygraph test. Of those minority persons who apply for the job of patrolmen, the written examination is the chief eliminator. Indeed, only about 10 percent of the black applicants pass the examination. The white success rate is considerably higher. The written examination usually includes problems in logic, mathematics, vocabulary, and spatial relationships. Police and civil service officials tend to equate test

results with a man's native intelligence. The implication being that persons who flunk the test are intellectually inadequate.

The Cleveland Police Department and the Civil Service Commission have noted that the test has become a "sacred cow." Most attempts to render a fair test have met with strong opposition. Yet, standards are precisely what the tests do not determine. They contend that any attempt to make the test fairer is lowering the standards of the police department. We have not been able to determine, at any time, that the test predicts an applicant's performance as a policeman. In fact, we wonder what these tests do predict.

The background investigation is another opportunity for the police department to eliminate blacks. A classic example of this is found in the instance where a police investigator, investigating a prospective applicant for the department, saw him dressed in leather trousers and a leather shirt. He noted that the subject wore, "subversive clothing." This investigation tends to exclude a greater proportion of blacks seeking employment with the department. It is inherent within this process that the police department exercises undue arbitrary discretion in denying employment to blacks.

Let me just skip over the psychological examination and the polygraph test and move to talk about the present status of blacks in the Cleveland Police Department.

At the close of 1971, there were a total of 2,315 men and women on the department. There are presently 178 black men on the department and 12 black women. This represents a total of about 7% percent of the department's total strength, while blacks in the city constitute about 33.3 percent of the population. There are only eight blacks beyond the rank of patrolmen, which is the entrance level of blacks in the department. There is only one black lieutenant. The highest ranking black that has ever been in the Cleveland Police Department was a captain. No blacks have ever been able to move beyond the rank of captain in the entire history of the Cleveland Police Department. Presently, the figure of 190 is the highest number of blacks we have ever had in the police department.

Blacks have been locked in the Cleveland Police Department. Presently, there are no blacks assigned to the academy, the faculty of the police academy, while there are a number of blacks in the department with bachelor's degrees in areas of study relating to police law enforcement.

Several blacks, in fact, teach on the faculties of local colleges. They are teaching courses in law enforcement while they cannot teach at the police academy. This does not represent an isolated example of the educational background of most blacks in the department. In fact, a higher proportion of blacks in the department have college degrees, much more so than whites. And yet, those blacks are either working as patrolmen or working as plainclothesmen with a few sergeants and one lieutenant.

Let me just indicate to you a classic example of this discrimination. The fact that one black officer, who is currently pursuing a master's degree in police science, is assigned to basic patrol, which is walking the beat.

There are more than seven units, investigative units in the Cleveland Police Department which have no blacks at all. There are any number of units which have only token representation of blacks.

What we are saying is, if public agencies are permitted to systematically exclude large numbers of blacks, we cannot have a government which is for all the people, if it is not by all the people.

We would like to make some recommendations as to how this kind of activity can be stopped.

In the first place, you cannot have special one-shot minority recruitment campaigns, mounted independently of the police department's ongoing recruiting program, which we have here in Cleveland. These campaigns tend to be disillusioning and ineffective and they also tend to mislead the total community, which mistakenly assumes that much is being accomplished in the way of minority recruitment.

If the Cleveland Police Department is going to have blacks, it must have an affirmative action program which actively recruits blacks, trains them and promotes them in the department.

Police departments and civil service commissions that do not take the time to compile ethnic statistics, have no way of measuring a success or failure of their minority recruitment programs. One must assume, and the black community does assume this, that if they do not keep these records, this is out of a failure to be concerned or to care.

Minority recruitment cannot be expected to succeed so long as blackmen or brownmen view the police department as an enemy of the people. Therefore, one views, if this is the case, one views his joining that force as a retrail of his brothers. Police officials tend to see this as an image problem. You see, they are more concerned with seminars and workshops in human relationships than they are with having real commitment and enforcement from top municipal and police officials. Not only must they enforce the laws dealing with equal employment opportunity but they must not tolerate police brutality or harassment. The rules on these must be clear and punishment must be swift.

The NAACP's demand for job equality for blacks and other minority citizens in the Cleveland Police Department and the elimination of racist tactics in that department is clear. The day of pious token statements of commitment to equal opportunities is over. What is needed is affirmative action programs that do produce equal results.

To this end, the NAACP, joined by the shield club and others, filed litigation in the U.S. District Court, October 12, 1972, seeking to enjoin the Cleveland Police Department from carrying out its continual practice of racial discrimination.

Let me just add this about the EEOC. While it is clear that public employees have suffered under title VII of the 1964 Civil Rights Act as of last year or rather, this year, the EEOC has already indicated that it is almost 2 years behind in its caseload. And while it is grossly understaffed, and we are not sure that it is grossly understaffed either through design or simply through benign neglect, the EEOC does not have the staff nor the enforcement power to deal with the cases of discrimination that occur in any community. If this community and the Federal Government is serious about doing anything about job discrimination in this country, certainly the EEOC is going to have to be manned and also given some teeth to enforce the laws of this country.

Mr. HAWKINS. Thank you very much, Reverend Stallings, for your excellent statement here this afternoon. Certainly, all the members of the subcommittee are equally impressed with this very clear and concise testimony.

I would like the record to reflect the fact that the president of the Cleveland branch of the NAACP, Attorney Russell Adrian, is also present here in the audience at this time.

I am advised by counsel for the committee, with reference to your testimony having to do with the test, that the law is very clear on this particular subject by virtue of the U.S. Supreme Court landmark *Griggs* case. The holding in that case was that a test that has an adverse impact on minorities and which is not related to the requirements of the job, is forbidden by title VII. A number of police and fire department examinations have been invalidated upon this ground. Title VII of the Civil Rights Act of 1964, now applies to State and local governments as a result of the 1972 amendments. You might have legal redress then to the EEOC and the courts.

Mr. STALLINGS. Mr. Stokes, the committee, we have already gone into court to seek to enjoin the department from continued use of the—not only the department, but the Civil Service Commission—to bar continued use of the test that they have been using. Also, some of the other methods of examination that they have been using.

Mr. HAWKINS. Mrs. Chisholm?

Mrs. CHISHOLM. Yes; I would just like to make one statement.

You have given excellent testimony and it's the same kind of litany that you hear in city after city. But there is just one thing that was very interesting to me, in terms of the psychological examination and other procedures that works to the disadvantage of blacks, the psychological examination and prospective black patrolmen are eliminated for psychological reasons that are totally unrelated to job performance.

I am going to say something here that perhaps will be very shocking. I think that prospective white patrolmen must be eliminated for psychological reasons which are totally unrelated to job performance. Because, I have become so interested in this whole police question in this country, that I have begun a study in four or five States, the northeastern section of this country, to find out why there seems to be certain attitudes with respect to the whites in the police departments where large numbers of blacks are found. And I have found out in two States, particularly in the State of Michigan, that over 70 or 75 percent of these gentlemen in the police department come from Georgia, Alabama, and Mississippi, and so, bring attitudes with them.

Every man in this country has a right to a living, white people as well as black people coming from the southern part of this country have the right, must have the opportunity to work. But, if they are going to talk about psychological factors, let's bring it down to facts, let's realize that in terms of white policemen coming from certain sections of this country, have an inherent racial attitude in their blood stream, that they also need to undergo certain psychological examinations—

Mr. HAWKINS. Mr. Landgrebe.

Mr. LANDGREBE. Mr. Stallings, in this page 2, you mention that minority communities usually have a greater incident of crime than other areas. These crimes are usually committed by minorities against minorities.

Do you feel that if we had a greater ratio of black policemen than we now have in this department, that they would be likely to arrest these minorities who commit these crimes against other minorities

and that this would solve this problem? After all, people who live in America, regardless of color, have the right to expect to live——

THE AUDIENCE. We can't hear you.

Mr. LANDGREBE. Oh, I'm sorry.

According to this statement, minority communities usually have a greater incident of crime than other areas. These crimes are usually committed by minorities against minorities.

Now, you say this and this is what is the general accepted situation throughout America and I truthfully believe that people who live in America should expect to live in a safe, peaceful society. Now, do you think that more black policemen would solve that problem? Would they arrest their black brothers and haul them off to jail?

Mr. STALLINGS. That's not the—the arresting of criminals is not the only problem we face in the Cleveland Police Department. You see, the reason why—you should read the entire statement, because the initial statement was blacks are more likely to be victims of crime than whites. You see, in Cleveland, the highest crime rate is in the fifth district, which is 84 percent black. It's followed by the fourth district, which is a very heavily black district. And yet, these departments have one of the worst records of policemen answering calls for help in the entire city of Cleveland.

So, we are not just dealing with the problem of them arresting the criminal, we are dealing with the problem of responding to calls in the black community. That, if you have more blacks on the Cleveland Police Department, and not just blacks on the force, but blacks in a position of authority on the force where a patrolman is sensitive to the community and sensitive to the concerns of the community. We believe that the standards of the Cleveland Police Department ought to be raised, that it ought to be raised to meet the requirements of the community and that is, an increased minority representation on the force. Especially in a city where you have 38 percent black and only less than 8 percent on the force.

Mr. LANDGREBE. I don't want to take more than another minute or two. I wish we had time to discuss these things at greater length.

Discrimination on the police force is one thing, but the higher incidence of crime against minorities by minorities is a serious concern to me and I think there ought to be some studies made that would prove that, if there were more black policemen, this would be a very good reason to insist, not only against percentages, but that the black man would be able to get the respect of his black brothers and he would be able to, in patrolling those areas, actually reduce crime because I am seriously concerned about the good black people who are living in fear because they are not being protected by the police departments——

Mr. STALLINGS. Mr. Landgrebe, Mr. Landgrebe.

This problem that you have eluded to sir, is much more profound and much deeper than blacks simply getting on the police force. You see, the reason why there is a higher degree or higher incidence of crime in the black community is because black people are restricted to the ghetto, in the black community. They are restricted by any quality of opportunity. You see, when you began to talk about discrimination, you reach into the whole life style of black folks because, one of the reasons why blacks are confined to the ghetto is because they can't get jobs. Because companies are constantly violating the

law and because institutions like the Cleveland Police Department are violating the law by not hiring them. They have to work at low paying, menial jobs. They are confined by not only discrimination in jobs, but to discrimination in housing. They cannot move into certain areas. So, you are dealing with the whole problem of black people when you began to talk about why we are congested in the ghetto and why there is a greater incidence of crime.

Mr. LANDGREBE. My recollection is that the Department of Housing, HUD, has really insisted and taken strong action against league communities if they do not permit housing for the low income.

Mr. STALLINGS. We would welcome them to come to Cleveland.

Mr. LANDGREBE. Well, maybe we can get them over here, we can try.

Mr. STOKES. Any questions, Mr. Chairman?

Mr. HAWKINS. No questions.

Mr. STOKES. Thank you very much Mr. Stallings.

Mr. STOKES. Our next witness is Mr. James Cox.

STATEMENT OF JAMES T. COX, CITY HALL REPORTER, WJW-TV, CLEVELAND

Mr. Cox. Thank you Mr. Stokes.

My name is James T. Cox, city hall reporter for WJW-TV, Cleveland, Ohio.

Early this year the city of Cleveland began hiring people with \$3.4 million in Emergency Employment Act funds. The funds were to be used to rehire laid-off city workers and to hire new employees from the city's high unemployment areas. The city's department of human resources set up residency requirements which stipulated that those hired could live only in the high unemployment areas. All but 33 census tracts of the city were included—those 33 being areas which did not meet the high unemployment criteria. It should be noted that Cleveland has one of the highest unemployment rates in the Nation. It is estimated that somewhere between 18 and 22 percent of the city's work force is unemployed.

There were unconfirmed reports last spring that numerous employees hired by the city under this E.E.A. program were not qualified for employment because they either lived in the excluded 33 census tracts of the city of Cleveland, or because they lived in suburban areas, out of the city. In an investigation I undertook for WJW-TV, and its new programs, it was determined that numerous employees hired were indeed living outside the impact areas; it was determined further that many of those hired lived in suburbs; that in one case we found an employee in the city's personnel department who was later accused of forging election board petitions, had been hired by substituting her own suburban address for that of the appointments secretary for the mayor of Cleveland, Ralph Perk.

We found another employee who had been a campaign worker for the mayor. This employee was hired under this program by giving the address, in Cleveland, of relatives. Actually, this employee lived in a \$30,000 home in the suburb of Brooklyn, where she has resided since 1955. She has lived in that suburb with her husband, who is also a city employee, and her son, also a city employee. The family has two automobiles and a panel truck that is used in the husband's second job.

One Cleveland newspaper, the Cleveland Press, did a survey of the BBA program similar to mine, with similar conclusions. The conclusions are that at least 10 percent of those hired under this program are ineligible either because of falsification of address or no actual unemployment history of those hired. And that 10 percent figure may be a minimum—I want to emphasize—minimum figure.

Another conclusion the Press investigation and my investigation established is that some of the hiring, particularly at the management level, seems predicated by political patronage. A rundown of those hired illegally shows a preponderance of former campaign workers for Mayor Perk. and others with political debts.

In my investigation we had to conclude that: the city's Civil Service Commission has no authority over the program; that there is no internal check by the department administering the program, at least no check worth mentioning (I was told that the department had checked employees' whose names started with the letters A and B, but had not got around to the rest of the alphabet). I was told a serious check would have to wait for the GAO later this year.

Last, a coincidence seemed to occur right after the investigations were run by WJW-TV and the Cleveland Press. A Labor Department official in the Chicago regional office ruled that, in order to qualify for the Federal program aimed at reducing the unemployment rate in the central city of Cleveland, all a suburbanite had to do was live one day in the city, and that would qualify him or her for an Emergency Employment Act job.

Thank you very much.

Mr. STOKES. I want to say, we certainly appreciate your being willing to come before this committee and give us this testimony this afternoon.

Mrs. Chisholm?

Mrs. CHISHOLM. I just want to say one thing to you. I want to take my hat off to you because I am quite sure that with pressures and what have you, this was not considered exactly the expedient thing to do, but neither do we want the Emergency Employment Act funds to be used for purposes of political expediency.

Mr. STOKES. Mr. Chairman?

Mr. HAWKINS. I want to concur in the remarks of Mrs. Chisholm. I think the committee owes a debt of gratitude to you, Mr. Cox. I think your testimony is very sharp, to the point, articulate and certainly well founded. It opens up an approach this committee has not pursued thus far and I can assure you we will certainly broaden the inquiry to include the Emergency Employment Act operation as well.

This the first testimony we have had on this particular problem and it certainly falls in the category of the work of this committee to seek the reasons for unemployment, high unemployment in the central cities. Any further information that you have along this line would be most welcome and we can assure you this committee is fully behind you. Without objection, additional material submitted by Mr. Cox will be included in the record at this point.

(The following is a television news script prepared by James T. Cox for WJW-TV.)

EMERGENCY EMPLOYMENT

This Lake Avenue apartment house on Cleveland's West Side, near the Gold Coast, is *not* in the emergency employment area. But a city employee in that

program earning 12 thousand dollars a year, does live here, sharing a two-hundred-thirty-four dollar a month apartment. That in itself is not a violation of the Federal program. Election board records however show the employe began living here in August 1971, then last March moved to an apartment on St. Clair Avenue and East 54th Street—living with a cousin, he said. That move lasted about 3 to 4 months, then it was back to Lake Avenue, to the same apartment. With a number of key aides to Mayor Perk living here now, the building has been dubbed city hall west.

Another example is that of a woman who worked in the Perk mayoral campaign, along with her husband. They've lived in this 30-thousand dollar home since 1955. It's in the city of Brooklyn. She got a 7 thousand dollar E-E-A job in April—in July she changed her voting address to a home and bar on Harvard Avenue and East 55th Street, owned by her brother. She says now she's back in Brooklyn, along with her husband and son, both also city employes. Our preliminary investigation of city and election board records show there may be as many as 10 percent of E-E-A employes who have obtained jobs slated for poverty area residents, in this manner.

WALLIS FORGERY

Barbara Wallis' signature as exhibited at the Election Board hearing last week was reportedly forged by a former Cleveland city employe—her sister Kathryn who worked in City Hall's personnel department for 11 weeks this summer. A link between the mayor and the drive to reduce Council has been denied often by Perk but some evidence cropped up today that his staff may be involved.

Kathryn Wallis lives in this Lakewood apartment building on Riverside Drive. To qualify for city employment under the federal program for unemployed Clevelanders, Miss Wallis listed her address at the Election Board here on Denison Avenue—the home happens to be owned by Mayor Perk's appointments secretary.

We checked Miss Wallis' apartment today—her Volkswagen pasted with Nixon re-election signs was parked outside. She was in but would not come to the door. The building custodian denied she has ever moved.

[Cleveland Press, Sept. 13, 1972]

PETITIONER BORROWED CITY ADDRESS TO GET JOB

(By Brent Larkin)

Kathryn Wallis, who signed her sister's name to petitions seeking to reduce the size of Council, also borrowed the address of one of Mayor Perk's secretaries to qualify for a city job.

This was the latest discovery today in the continuing investigation of the forged petitions.

The secretary whose address Miss Wallis used is Mrs. Dolores Jardy, Perk's appointments secretary who started working for the Perk administration last November.

Before becoming Perk's secretary, she was secretary to Robert Hart, the former Perk aide who admitted asking city workers to circulate Council reduction petitions. He and Miss Wallis now work for the Committee to Re-elect the President.

Here are highlights of the Case of the Borrowed Address:

Miss Wallis worked as an interviewer in the city Personnel Department from May 17 to Aug. 5. She was hired with funds from the Emergency Employment Act, which requires all persons to live within the city.

Miss Wallis has lived in an apartment in Lakewood—at 1415 Riverside Dr.—since early May.

But when she applied for that EEA-funded job she used the Cleveland address of Mrs. Jardy—3622 Denison Ave.

Neil Knotts, superintendent of the Lakewood apartment building said Miss Wallis never moved out.

"She pays her rent every month and I see her frequently," he said. "When she moved in she told me she would be living here for at least a year. She even gave me a security deposit to guarantee she would be staying."

Mrs. Jardy said she didn't know Miss Wallis used her address. She said Miss Wallis stayed at her home for two days sometime in May.

"I feel sick about this because I love the mayor and I know he didn't know anything about this because he's too honest," Mrs. Jardy said.

"Miss Wallis said she needed a place to stay for a couple of days so I put her up. I often do things like this."

Personnel Director Philip Hamilton said no one in the Perk administration asked him to hire Miss Wallis. He said the city usually checks out all addresses on EEA applications but must have overlooked Miss Wallis.

"I never saw her before she was hired and as far as I can tell she just walked in off the street and asked for a job," he said.

Miss Wallis has admitted signing the name of her sister, Barbara Wallis, as the circulator of petitions. She also admitted filling in petitions by copying names out of the telephone book.

The petitions were notarized on July 25 by Viola Wittenborn, part-time employee at Aldem Insurance Inc. Robert Hughes, Republican county co-chairman, is an officer of the agency.

Mr. Cox. Thank you very much.

Mr. HAWKINS. We will take a 5-minute recess at this point.

(Short recess taken.)

Mr. HAWKINS. The next witness is Eugenia Valdez. Is Mrs. Valdez in the audience?

Mrs. VALDEZ. Yes, sir.

Mrs. CHISHOLM. You're next.

Mr. HAWKINS. You're next, Mrs. Valdez.

Will you be seated at the table and identify yourself for the record, Mrs. Valdez?

STATEMENT OF EUGENIA VALDEZ, CLEVELAND, OHIO

Mrs. VALDEZ. I am Eugenia Valdez. I live at 4691 East 175, Cleveland, Ohio 44128.

Mr. HAWKINS. Thank you.

Mrs. VALDEZ. You're welcome.

Mr. HAWKINS. Will you proceed.

Mrs. VALDEZ. I would like to bring out eight very salient points. I was the payroll clerk for Inner City Trucking.

Can everybody hear me?

Inner City Trucking is a black firm with 10 trucks. The firm has been forced to go out of business and I have been unable to find other employment. Subsequently, I have had to go on general relief, which I do not appreciate.

Inner City Trucking has subcontracted from Wantz & Son on Ohio Bell jobsites. They have been sent home after working 1 hour on the job, after being told they were to work 8-hour shifts.

Threatening phone calls were made to this company, some of which were taken by myself. One: That the son of the owner would be caught outside the home and kidnapped.

Number two: That the home would be bombed, killing whoever was inside.

Number three: Trucks and/or drivers would be harmed, although Inner City is an Equal Opportunity Employer and they do have an equal number of white and black drivers.

Persons with Italian accents, and I know what an Italian accent is, because I was raised with them, have called stating that the Mafia did not want "niggers," on the Ohio Bell jobsites and made references to "Again, tell your 'nigger' mayor not to interfere" that was Mayor Stokes.

When I asked about safety measures on the Superior and Lakeview and St. Clair job sites, they did not know who I was when I made these inquiries. I used a different car every time. I was told to let the black bastards walk in the street, they're not used to sidewalks, and they don't need them.

On the Parma Ohio Bell jobsite, the trucks were damaged by a white crane operator, who dropped a load of stones, not quite as large as this table but considerably heavier, into the bed of three of the trucks. Then they turned around and called the Parma Police. The Parma Police refused to intervene and gave tickets to the Inner City truckers while Wantz & Son blocked them from leaving the jobsite.

The owner of Inner City Trucking has since been driven out of business; he has lost his home, he has lost his car, and he has been blackballed.

I feel that construction in predominantly black neighborhoods should be shared with black firms, with regards to safety measures in the school and residential areas. These are our children and our wives and our husbands going back and forth to work.

Fill dirt from JFK Senior High School has been dumped in the middle of Seville Avenue, blocking traffic and causing hazardous conditions. The firm doing the construction work at JFK and Whitney Young, which is the former Hoban Dominican High School, are both white with little or no black participation.

Also, I feel this way; we have to live here. We have to have a sense of decency, of dignity. We want to live with a sense of integrity as if we owe it to ourselves. We are a different generation than our parents and grandparents. I refuse to stand by as long as this sort of thing is allowed, when I can say something to help.

My grandchildren have to grow up in this neighborhood and I feel that we should have a right to participate in this. I am also the administrative assistant of the Lee-Seville Citizens Council. I am the coordinator for the Lee-Seville Economic Development Corporation. I am a school guard, I am an assistant teacher. It's all volunteer and I am just about to starve.

There are FBI signs in our neighborhood, Lee-Seville is supposedly one of the most affluent black neighborhoods in the city of Cleveland which is a lot of hogwash. We are all about to lose our homes, or half of us are on relief. There are so many FBI signs on any given street, our area looks like FBI headquarters or J. Edgar Hoover's last resting place. I've got enough experience to be Louis Stokes' boss if I wanted to be, but who will hire me? And I'm tired of being out of work.

And as far as crime in the area, I have been broken in on three times. Now, I am a widow, I'm a single woman if that is what you want to call me. I have been a widow a long, long time. I've been a widow for so long, I've forgotten I ever got married. But, I will tell you this, I don't mind being raped, but don't rob me. I've worked too hard for what I have. I don't even have a phone.

I'm sorry, but I'm angry. I live alone. There are a lot of women like me that live alone and everything I own, I got by myself. I always seemed to be able to find time to help everybody else. I'm the kind of fool that would give you my last dollar, my last piece of bread and then I sit up there and lose 20 pounds, you know? And I don't have anybody to go to. And I'm tired of this.

The police force, I have worked at Central Police Station. Carl Stokes was a prosecutor when I was in the probation department. So was Paul White. I feel for the boys in blue but some of those boys in blue need to be blue in the face. I went to see "Superfly" and just because I laughed at the ending, which I thought was hilarious, because that only deals with one element of crime, black and white, and I am not going to repeat those lines, they are charming but I'm not going to repeat them. I'm a lady.

These three white policemen that were sitting back there in full dress uniform told me. "I'm glad you laughed". You know what I told them, I said, "Let me tell you something little boy," I said, "I worked at Central Police Station for 8 solid years. I wore a blue uniform in the Air Force for 7 years, which is longer than you have been away from your mamma." I said, "Besides, it's 11:30, does your mayor know where you are?"

Could I have a few more minutes, Mr. Stokes?

Mr. STOKES. Help yourself Mrs. Valdez.

Mrs. VALDEZ. I have got to say something else.

I am an assistant school guard. I have begged for a sign, any kind of a sign, who cares what kind as long as it says school crossing, go slow, children crossing. The policemen, the police department told me when I asked for it and Emile B. deSauze is on 176th Street, just because it's considered a residential area, you know, that influential poor area that we live in, they told me that it has to be on the main street before we can get you a flashing sign.

Who in hell cares how it flashes, all I want is a sign. Because, those four stop signs don't mean a thing. I have—listen, getting bumped in the behind by a Cadillac hurts just as much as a Ford. I have put my life on the line for those kids. And they will not give us school signs. I have called the police, they came the next day. I have been broken in three times and the next time, if I go shoot somebody and throw them down my 80 foot well, who is going to jail? Me. You can't boobytrap your home, you will go to jail for it. But, you're suppose to lay there and I sleep in traction, you know, I am absolutely helpless and I'm not about to get married for protection because the average man is harder than hell to get along with and is still yelling "Help."

I think I had better get up. Mr. Stokes, can I leave now?

Mr. STOKES. Wait a minute now, wait a minute.

I just wanted you to know that I told Shirley Chisholm, "that's our Shirley Chisholm."

Mr. HAWKINS. All I can say is this subcommittee has had many hearings in many cities but I don't think we will have anything like we have had in Cleveland.

The next witness is Mary King, a representative of the Euclid School System, Mrs. King?

Mrs. KING. Yes.

Mr. HAWKINS. You are a member of the school board, I understand.

Mrs. KING. That's right.

Mr. HAWKINS. Will you proceed then, Mrs. King?

**STATEMENT OF MARY KING, SCHOOL BOARD MEMBER,
EUCLID, OHIO**

Mrs. KING. In my statement I am talking first about the cleaning men and cleaning women in the Euclid schools.

The cleaning men and cleaning women in the Euclid schools do almost the same work, although there are slightly different job descriptions. The women earn \$2,500 less per year than the men. The men's salary is \$7,914, women's \$5,414. For \$2,509 a year more, the men replace high light bulbs occasionally and run a waxing machine about once in 3 weeks. Otherwise, the work is the same. Both men and women stand on 6- to 8-foot stepladders to work at times. There are no male matrons, as they call them, and no female floormen. There are no women custodians or firemen, firemen are generally assistant custodians. Mrs. Rose Bastjansic, who works as a matron in the Euclid School System, requested the job and pay of a floorman, sending a letter to all the members of the Euclid Board of Education. She said she does just about the same kind of work and she wanted the pay of a floorman and the title of a floorman, but she was refused.

There are no women in the Euclid system who are central office administrators in the superintendent, assistant superintendent, or co-ordinator that is director levels of the Euclid Schools. There are no women assistant principals, out of four, in the high school, and all of the four senior and junior high principals are men. Women are confined, almost completely, to elementary principalships, 7 out of 11, and one assistant principal in each junior high, is given to a woman. The seven male assistant principals take precedence over the women in the job hierarchy.

There are no department heads who are women in the four secondary schools, except for girls physical education and home arts and occasionally, a specialized subject such as vocal music. The department heads receive several hundred dollars a year more in pay per year. They also determine leanings toward text books, type of presentations in classrooms, stress on various aspects of a subject. All this under the control of men, can lead to a down playing of the role of women as equals and discrimination against women authors and women's interests in a subject.

Any course beyond the master's degree taken by any teacher in the Euclid Schools, must have the prior approval of the superintendent.

Extra pay is given on the salary schedule for courses taken with approval. The superintendent has the power to say that a teacher may not take advanced courses preparing for administration. But, should instead take courses relating to his subject matter. In this way, a teacher could be discouraged or even forbidden to take courses which are absolutely necessary in order to become an assistant superintendent or other level of administrator.

Teachers usually male, who find favor with the superintendent, are sometimes advised and encouraged to take these courses. The board of education then is told that no women are qualified for the more important administrative posts in the school system, which pay, of course, much larger salaries than a teacher can earn. Despite this discouragement, a few women have prepared themselves and have been

turned down for higher posts. About two-thirds of the teaching staff are women.

In the business department of the Euclid School, women hold none of the managerial positions. They are primarily secretaries and clerks with long years of service. The average of women's salaries is about 60 percent of the average of men's salaries in the business and finance departments.

I have been a member of the Euclid Board of Education for 13 years, serving at times as president and vice president of the board. I have protested repeatedly that women are being severely discriminated against in the Euclid Schools, but have never received an adequate answer to my complaint.

Mostly, I get the impression from the four male members of the board and the superintendent, that no one should rock the boat, that they prefer men in high places and it's cheaper for the board to keep women's salaries low.

For the most part, women are intimidated against speaking out against this practice, because for any one who rocks the boat in a school system, it's the kiss of death for future good working conditions or any possible hope of advancement, however slight that may be.

Thank you.

Mr. HAWKINS. Thank you, Mrs. King, for your excellent presentation.

Mrs. Chisholm is a member of a special subcommittee that deals with this subject matter, a special subcommittee of the Education and Labor Committee, which has equal jurisdiction with this committee and I think it would be most appropriate if she were to react to your statement at this time.

Mrs. CHISHOLM. Thank you very much, Mrs. King. I would just like to say that we have established a new subcommittee in the Labor, Education Committee, because we have found that this is a fantastic problem all across this country, in terms of the fact that women cannot get equal pay for equal work. It has nothing to do with whether you are a liberationist. That is not the issue.

The issue is that the talents, the abilities, the capacity of women, they should be able to get commensurate salary in terms of the kind of qualifications and preparations that they have. So, I will refer this to our committee, which has Mrs. Edith Green, myself, Louise Graff and a few others present that will be opening up this entire area next year. We will be going around the country next year to hear about women on these things, so you will be hearing from us about that time.

Mrs. KING. Fine, thank you very much.

Mr. HAWKINS. Thank you, Mrs. King.

Without objection, the material supplied by Mrs. King will be inserted in the record at this point.

MAY 22-1972.

To the Member of Euclid Board of Education

SUPT. MR. SPARTACO DI BIASO

MRS. MARY KING

MR. PAUL TOTTEN

DOC. FRANK HAUSER

MR. DON SMITH

MR. TED STEPIEN

I fill this application in consideration and equal right of the work situation.

It was express in Euclid Journal May 18-72: The women have the right to apply for better pay on base of her skill of work—equal right to the Men.

I do the work—Washing windows for the past 6 years—Same as the floormen—and many other things same as the Men.

I never get the penny more for that, so is my right to apply for better consideration in my pay, for the future, I am paid now not more then those who never reach high level more then two feet high.

My work stand by many time on 6 or 8 feet high on stepladder.

So Please, let the Member of our Board of Education see the difference of the work done by matron.

If I am not entitled as a floormen pay at list some difference of the agreement could be rich.

Not all women are equal do the job, and not all men perform their duty as they suppose to do.

Thank you to All of You taking Your time to read this letter.

MRS. ROSE BASTIANCCI,
21271 Goller Ave., Euclid—44119.

Local O.A.P.S.E. 128, Senior High School.

FOREST PARK JUNIOR HIGH SCHOOL, EUCLID, OHIO

FACULTY AND PERSONNEL

Principal, Mr. Joseph Mayer.
Asst. principal, Mr. John Griffin.
Asst. principal, Miss Lois McGee.
Boys' counselor, Mr. Thomas deHaas.
Girls' counselor, Mrs. Margaret Huron.
Librarian, Mrs. Carol Felch.
Nurse, Mrs. Dorothy Sweet.
Secretaries, Mrs. Barbara Arnold; Mrs.
Elinor Hoover; Mrs. Eve Morel.

BUSINESS EDUCATION

*Mr. Frank Alexander.
Mrs. Maureen Huefner.

ENGLISH

*Mr. Paul Cira.
Miss Linnette Conley.
Miss Janet Ehlert.
Mr. Gerald Hudec.
Mr. Randolph Padavick.
Mrs. Carol Trela.

FOREIGN LANGUAGE

*Mr. Thomas Gubitosi.
Mrs. Gabrielle Hodgins.
Mr. Raymond Leopold.

HOME ARTS

*Mrs. Marianna Brumbaugh.
Miss Jane Howell.
Mrs. Marilyn Wagner.

INDUSTRIAL EDUCATION

*Mr. Richard Malone.
Mr. William Fuchs.
Mr. George Hirschberger.
Mr. Allan Matko.

*Department Chairman.

MATHEMATICS

*Mr. Pierre Earney.
Mrs. Marilyn Allegretto.
Mr. Roger Liggett.
Mr. Frank Mikolich.
Mr. Larry Minamyer.
Miss Ann Roberts.

MUSIC

*Mr. Albert Mitchel.
Mr. Alfonso D'Emilia.
Mr. Robert Hutson.

PHYSICAL EDUCATION

*Miss Audrey Bell.
*Mr. Neil Sharp.

SCIENCE

*Mr. Ernest Koluder.
Mr. Jeffrey George.
Mr. John Habat.
Mr. Floyd Kelling.
Mr. Edward Zovack.

SOCIAL STUDIES

*Mr. Terrence Paul.
Miss Kathleen DeFazio.
Mr. John Densovich.
Mr. Dan Griffin.
Mr. David Morgan.

VISUAL ARTS

*Mr. Alexander Waselkov.

VOCAL MUSIC

*Miss Brenda Miller.

[From the Plain Dealer, May 14, 1972]

EQUAL WAGES FOR WOMEN URGED ON EUCLID SCHOOLS

(By Thomas H. Gaumer)

Mary K. King, Euclid school board member, doesn't like the system's new salary schedules for nonteaching employees because women aren't paid enough, she says.

She said she voted against the salary last Monday because there is too much difference in pay between men and women doing similar jobs.

Matrons in the school start at \$5,065 a year while floormen start at \$7,560 and, Mrs. King said, their jobs are very much alike.

Rather than on different jobs, Mrs. King said, their pay is based on the "skirt differential."

"As far as I can learn," Mrs. King said, "The men use a big waxing machine every two or three weeks and put in fluorescent light bulbs in the ceiling."

Dr. Spartaco DiBiasio, superintendent, contended there is a considerable difference between the jobs and any woman who wants can apply to become a floorman.

Matrons do only basic cleaning, he explained, while floormen run machinery, climb 18-foot ladders to dust high places and change light bulbs and also do some equipment repair.

"If a woman wants to be a floorman, she can," DiBiasio said. "So far, none has applied."

Mrs. King also contended that the school board discriminates against women in hiring top-level administrators and custodians.

"Teaching is the only area where women are equal," Mrs. King said. "There are no female administrators in the main office, no directors, no assistant superintendents and no assistant principals in the high school."

"None of the people who earn large salaries are women even though two-thirds of the teaching staff is female."

Some custodians, who supervise floormen and matrons, should be women, she said. "Women could do this job, but they've never been given the opportunity."

But when the assistant principal's job at the high school became vacant a year ago, Dr. DiBiasio replied, nearly 30 applied for it—none women. "In fact, we asked a couple women to apply, but they weren't interested," he said.

Fifteen of the 39 school administrators are women, and there are no women custodians, DiBiasio said, but "if a woman wants to be a custodian, she can be."

Women, said Mrs. King, are paid about \$4,000 less on the average than men. "I'm going to keep after them (school officials) and try to make the gap between pay less," she said.

"We're perfectly willing to hire women for any job if they'll apply," DiBiasio said. "We believe in equal pay for equal work."

The next witness is Mrs. Dorothy Miller, an employee of Cleveland State University.

STATEMENT OF DOROTHY MILLER, CLEVELAND, OHIO

Mrs. MILLER. To the Subcommittee on Equal Opportunity, thank you for your indulgence at this time.

My name is Dorothy Miller, I live at 12610 Kinsman Avenue, I work at Cleveland State University.

I am filing this complaint in regards to what I feel is discrimination in job classification at Cleveland State University. I speak of the department of housekeeping, night shift, of which I am an employee.

I started my employment at Cleveland State in this department in April of 1967. The following year I was promoted and reclassified to the job description of custodial supervisor which incurs the supervision of all buildings at that time on campus. I worked in this capacity for 2 years, at which time I had to take a leave of absence due to circumstances beyond my control. I returned and was reinstated to this department in August of 1971. I was told by Personnel at that

time, that there weren't any supervisor's jobs open, would I be willing to start as housekeeper 1 again, and work through the ranks as I did before. To this I agreed.

In the meantime, I found out the job as custodial supervisor had been reclassified and was now listed as building maintenance superintendent. In the past 2 months this job has been listed twice, to which I have applied and have been told by Personnel that I don't have the experience.

Mind you, this is the same job I performed before my leave. Personnel and the day superintendent have given me three or four excuses as to why I don't qualify for the job. Last week we had seven employees from my department who applied for this particular job and all seven were sent letters saying that they did not qualify, all being black. Also, I have other witnesses from my department who are willing to testify to the practice being carried on at the university.

Enclosed in my letter you will find an ad from the Cleveland Plain Dealer, as of Sunday, October 8, where the university was advertising for this job. Now, before me I have a memorandum from the AFSME Union, Local 495, that was drawn up this year, which states:

It is the policy of the University to provide employees for the opportunities to be promoted. Therefore, whenever a position becomes available, a notice of the vacancy will be posted on designated University bulletin boards. The appropriate details of the vacancy will be provided in the Notice of the Vacancy.

Vacancies will be posted for a period of three weekdays, not including the day of posting. Any employee who is interested in a position may apply in the personnel office.

If an employee is unable to apply at the personnel office at a time other than during normal business hours, he should consult with his supervisor in order to arrange a time to make application.

Now, when you go to your supervisors, they can give no answers or understanding about jobs.

The qualifications of each applicant will be reviewed carefully in order to fill each job vacancy.

To be considered for lateral or promotional transfer, an employee must meet certain established criteria. Applicants from the department in which the vacancy exists will be given first consideration.

All applicants from the university shall be required to meet the following criteria and they have it listed.

This is in conflict with the ad that was run in the Cleveland Plain Dealer and they have done this constantly.

Last year we had a foreman that had been on the job for 4 years. The new requirement came up for a 2-year college degree and, of course, he couldn't meet the standards and he was demoted to floorman.

The policies at Cleveland State University, as far as blacks are concerned, is terrible. I would venture to say we don't have one top administrative position filled by a black person at Cleveland State. We have doctors there, deans, and so forth, and they left.

Also, I have before me a letter of congratulations upon completion of the course that I took in foremanship at Cleveland State University. It was mandatory that we take it. I got off from work at quarter to seven in the morning and at 7:00 we had to be in class. We had a professor from Western University and if we didn't attend these classes, if we were marked absent, then we were demoted from our jobs.

I taught a class in housekeeping at the university to persons who were supposed to be the hard-core unemployables and there were white supervisors there at this time. I can only draw the conclusion that the top level of administrators and building services at Cleveland State University, want to run a plantation-type operation, considering we have one white supervisor who came here during the war from Nazi Germany and also a night superintendent who just came to the university with no experience in housekeeping whatsoever after being in the military service for 30 years. It seems to me that they want no one there in supervisory positions that seem to want to lean toward the employees or to try to make working conditions better.

When I was a supervisor there before, I set up two or three programs where the people enjoyed coming to work, because going in at night and being locked up all night long and we don't even have proper facilities for food or anything, only vending machines, candy and coffee, I feel as though you have to do something to make the work interesting to people that will come.

Thank you.

Mr. HAWKINS. Thank you, Mrs. Miller. I think the law is very clear in your case, but I am going to call on Congressman Stokes for a comment on this because I think he would probably be in a better position to handle this than the committee.

Mr. STOKES. Mrs. Miller, your story here this afternoon is one of the most flagrant and blatant acts of discrimination that I have heard of. I have told Chairman Hawkins that he and his committee need not concern themselves with this one. I want this one personally.

As much money as I have helped to bring into Cleveland State University, if I don't get this job, then I am going to cut off every dime I can.

Mr. HAWKINS. Again, Mrs. Miller, we wish to thank you for your presentation before the committee.

Mrs. MILLER. Thank you, sir.

Mr. HAWKINS. The next witness is Mr. James Beasley of Joseph Ryerson Steel Co.

Mr. Beasley, I apologize for having passed over you this morning. In the rush to get out at noon, we overlooked your name and the Chair wishes to apologize.

STATEMENT OF JAMES BEASLEY, EMPLOYEE, JOSEPH RYERSON STEEL CO.

Mr. BEASLEY. Well, I will accept your apology and I'm just glad to have a chance to talk.

I didn't bring any paper with me. I am speaking mostly because this is down in me.

I have been employed at Joseph T. Ryerson for 20 years and up until 1967, I suffered an industrial injury. I slipped and had a back injury. And in 1968, one of the members of our local union passed away, so they asked me if I would accept the office. So I told them I would accept the office, which was pertaining to workmen's compensation, handling industrial claims and safety on the job. So I imagine I was doing such a job on the company that they didn't—they made preparations to get rid of me one way or another. Either to fire me or have me terminate my employment. So, in 1970, I was called into the

superintendent's office and the president was there, of the local union, but they didn't call him. They called me in concerning an insurance grievance. They had fired one of our members and I was typing the grievance up.

They called me in the office, the general manager Homer Reker called me and asked me did I, had I intended to continue to back grievances up. I told him I would as long as I was a union member. So, he made a threat to me and said that as long as I continued to back these grievances, he said, "you are going to have a hard time with this company, the men are going to have a hard time in the warehouse also."

So, they gave me such a hard time during this back injury that I went right away and filed a claim with the National Labor Relations Board and we had a hearing and we processed this national labor relations case. First I took it to Civil Rights Commission and Mr. Guadabaldy there didn't even want to pursue the issue. So, I filed a charge with the EEOC and the National Labor Relations Board.

So, we had Marvin Ludwig from Washington came down and heard the hearing and it was in my favor, that the company had violated the Civil Rights Act and the company appealed it. When it went back to Washington, well, the company had their attorneys there but I had no representation and on the five-man board, three dismissed the case but the other two felt I had a strong enough case. So, it's still at this stage and they appealed it. So, I haven't heard anything from the Equal Employment Opportunity yet and that's been over 2 years. I was still off in March on an industrial injury and while I was off, one of the foreman had passed away and this company was known for 30 years they never had a colored foreman or any colored, any higher than that level. So, this foreman had passed away of a heart attack and my doctor had been giving me light duty slips and the company was still trying to pressure me to quit. So, I went back and asked for the foreman's job. So, the foreman, Schraeder told me that they didn't need any more foremen. They said they had enough of them. Then, 2 weeks later I went back to work and I found they had brought a Caucasian foreman in from the outside, which was the normal practice, they would bring their foremen, they would appoint foremen from inside the work force.

So, I filed this charge with the Equal Employment Opportunity Commission and they tried to get a predecision hearing with the company, but the company said no, we don't want to meet with you. Let it go to Washington, we'll get a decision.

So, I was in touch with the EEOC office, you know, and in June of this year I got a decision where they also found that the company had violated the Civil Rights Act and that their promotions and all, against minority groups had an adverse effect on the whole company there. The colored and all there. So, I was wondering how long this would take; so I was back in touch with the EEOC in August and asked them how long would the case take and they said about 2 weeks. So, I waited until September 28, I got a call from Mr. Davis at the EEOC, and he stated that he was going on October 1, to try to make conciliation with the company.

So, I called him back on October 5, and he stated that he couldn't go in until October 25. So now, I don't know. I mean, I may call the 25th and he may say, well, we can't go in until December. So, I

think this is a long dragged out thing. And that's why I didn't bring anything because this has been within me and I've been unable to obtain work due to this industrial injury because, most companies will not hire you if you have been injured somewhere else and I tried. I went to the Ohio Employment Office and they tried to find me employment, they couldn't do it. So, they referred me to the VA, and I went to the VA, and they referred me to the Veterans' hospital and I went there and had an examination. They felt, at this time, my condition was in such a state that I was due for a non-service-connected pension, but I still feel as the EEOC stated, if I would have gotten this position at that time, the condition would not have deteriorated as bad as it did. Because, the threat and reprisals they made against me, they carried them out to the fullest extent and my doctor wrote me a slip, it was in October of 1970, to only work 4 hours a day and the company stated that if you cannot work all day, don't come in at all. So, I was unable to work; so, I haven't been back.

I want to thank the committee for hearing me out.

Mr. HAWKINS. Mr. Beasley, we are obviously concerned about the complaint and we'll assist and follow through on it.

Just one or two questions.

Does the company, Joseph T. Ryerson Co., have a contract with the Government, to your knowledge?

Mr. BEASLEY. Oh yes; they do.

Mr. HAWKINS. Did you file any subsequent retaliation charges with the EEOC after the original one?

Mr. BEASLEY. Yes; I did. I filed two charges. One for—

Mr. HAWKINS. On the charge of retaliation?

Mr. BEASLEY. And reprisal.

Mr. HAWKINS. And reprisal.

Mr. BEASLEY. And one with discrimination for not allowing me to try out for the foreman job.

Mr. HAWKINS. All of these have been filed with the EEOC?

Mr. BEASLEY. Yes sir. And the main reason I got action, I had to write a letter right to the Justice Department and they sent the FBI to my house to get all the information together and that is when I started hearing from the EEOC.

Mr. HAWKINS. All right, thank you, Mr. Beasley.

I would like to announce at this time that our colleague Mrs. Chisholm is scheduled to depart. We wish to express our appreciation for her attendance at this hearing. It's very difficult for the chairman to obtain the consent of members to travel at this time and I think that it was a very personal favor that she rendered to our colleague, Mr. Stokes, by being here. I wish to express to her great appreciation for her participation in this hearing.

Mr. STOKES. Isn't she a beautiful black woman?

Mr. HAWKINS. Is Councilman Pinkney in the audience?

Mr. Pinkney, just before you begin, may I make several announcements? Councilman Pinkney unfortunately has to be the last witness. The rest of us also have a schedule to keep.

There are several procedural matters that I think should be taken care of.

I have a statement from Mr. Frank Brewer concerning a complaint against the Republic Steel Corp. and the United Steelworkers of